

Corporate Policy



Policy No.	ADM-HR-001-2013
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Effective Date	April 24, 2020
Council Approval	N/R
Policy Date	April 24, 2020
Supersedes	Sept 11, 1989 August 6, 2013 March 11, 2020

TAB:	PER-PERSONNEL
SECTION:	Code of Conduct
SUBJECT:	CODE OF CONDUCT

POLICY STATEMENT

All employees of the Town of Gravenhurst (Town) will adhere to the Code of Conduct (Code). Employees are expected to carry out their responsibilities to achieve the Town's goals and objectives, promote the Town's values and management philosophies, and to ensure public trust and confidence in the Town's administration and operation.

PURPOSE

The Purpose of the Code is to ensure employees exercise honesty, integrity, impartiality and diligence in their duties by avoiding activities or influence that conflict with their obligations.

APPLICATION

As all Town employees hold positions of trust within the community, the Code applies to all staff including full-time, part-time, seasonal, student and contract positions.

GENERAL

Employees hold a special position of trust and accountability, employed at public expense for the benefit of the Town. Accordingly, employees are expected to conduct themselves with honesty, integrity, diligence and political neutrality.

Employees will promote the goals, objectives and policies of the Town while acknowledging and recognizing the dignity and worth of every person they serve and work with.

In representing the Town, employees must maintain a high standard of personal and professional conduct in order to preserve the trust and confidence assigned by the Town and the community. This includes all written and verbal communications with the media. As municipal employees, one's behaviour, both at work, in the community and online through social media, is a reflection of the reputation of the image of the Town and one's words, opinions and actions need to reflect this.

Employees are expected to adhere to the highest standard of personal and professional integrity and abide by the Code at all times.

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UNACCEPTABLE BEHAVIOUR

The following section contains examples of types of conduct which the Town considers unacceptable and deserving of discipline. These examples are not exhaustive of the types of conduct that may give rise to discipline.

A. Municipal Property

Employees will not deliberately or willfully damage or tamper with property, equipment, machinery or tools belonging to the Town, fellow employees or members of the public.

B. Unsafe Workplace

Employees will not knowingly or negligently engage in unsafe work habits, including violating health and safety rules or practices or endangering the safety of people while performing work on or off municipal premises. Employees have the right to refuse unsafe work as per the Work Refusal Health and Safety policy.

C. Workplace Respect / Competency

Employees will not knowingly falsify municipal records, timecards, employment applications, benefit applications and claims forms.

Employees will not demonstrate insubordinate behaviour towards or refuse to follow appropriate directions or instructions from their supervisor or any person of authority.

Employees will follow the administrative and managerial chain of command by receiving direction from the CAO, Director or their respective designate. Employees shall not circumvent authority by way of seeking direction from or communicating with Council outside of the administrative and managerial chain of command as outlined above. This is intended to apply only to conversations which may influence or materially advance the business of the Town. It does not apply to casual conversations. For further clarification employees should speak to their supervisor or refer to information provided by the Integrity Commissioner in an Information Bulletin provided to the Town dated April 17, 2020 (see Appendix A – Office of the Integrity Commissioner, Town of Gravenhurst Information Bulletin).

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Employees will notify management or the CAO, as appropriate, of any issues that may impact the Town and the ongoing activities in each department.

The Town is committed to providing and maintaining a working environment that is based on respect for the dignity and rights of everyone in the organization and of those it serves. The Town will endeavour to provide a healthy and safe work environment that is free of any form of harassment or violence. Further information is located within the Respect in the Workplace (Violence and Harassment) Policy.

D. Conflict of Interest

The Town recognizes the right of its employees to be involved in activities as citizens of the community, but employees must keep their role as private citizens separate and distinct from their responsibility as Town employees to avoid a conflict of interest.

Employees will not engage in any business, dealing or transaction or have a financial or other personal interest, which is in conflict with the discharge of their official duties.

Employees will disclose, in writing, to their Director any business, commercial, or financial interest where such interest might be constructed as being an actual, perceived or potential conflict with their official duties. The Director shall refer the letter and any additional comments, where appropriate, to the Chief Administrative Officer with a copy to Human Resources for information and general record. This written disclosure will be kept in the employee's personnel file.

Employees will not place themselves in a position where they could derive any benefit or gain from any Town contracts, persons, groups, companies or organization with which the Town does business.

Employees will not benefit from the use of information acquired or used, and that is not generally available to the public, during the course of official duties.

This section extends to members of the employee's family including his or her spouse, child or parent.

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E. Gifts, Benefits and Solicitation

In order to preserve the image and integrity of the Town, the receipt of gifts and benefits is discouraged. Nonetheless, the Town recognizes that moderate hospitality is an accepted courtesy of a business relationship.

Employees will not demand a gift, benefit, favour, discount, hospitality or gratuity from a person, group or organization that wishes to have business or dealings with the town.

Town representatives may only accept a gift or benefit that is of minimal value, and under no circumstances may cash be accepted. In addition, a gift may only be accepted once the service has been provided so as not to leave the impression that a gift is required before employees perform their duties.

For further information regarding the acceptance of gifts or benefits, reference the Acceptance of Gifts by Municipal Staff Policy.

F. Political Activity

Employees may engage in political activity in federal and provincial elections subject to the following restrictions:

- Participation in Provincial and Federal political campaigns is permitted provided that such activities do not interfere with the performance of the employee's duties or conflicts with the interests of the Town.
- Direct or indirect involvement in any campaign or political activity during working hours or in the workplace at any time is not permitted.

Municipal resources, including Town property and assets, shall not be used or provided towards any election campaign.

G. Illegal Activity

Town representatives shall not engage in any illegal activity while on Town property, while using Town resources (such as vehicles or computers) or while engaged in Town business.

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Participation in illegal activity will not be tolerated and will be referred to the appropriate authorities for investigation and appropriate action. Discipline by the Town will be dealt with accordingly and may be in addition to that imposed by the Courts or other appropriate bodies, up to and including immediate dismissal.

H. Outside Remuneration

An employee engaged in outside employment may carry on business or receive public funds for personal activities provided that it does not place upon him / her demands inconsistent with his / her job, and, in particular:

- it does not interfere with the performance of his / her duties while working,
- it does not constitute a conflict of interest, and
- it does not involve the use of municipal premises, services, equipment, information or supplies which he / she has access to by virtue of his / her employment with the Corporation.

ENFORCEMENT AND CONTRAVENTION PROCESS

Any employee found to be in contravention of the Code is subject to disciplinary action. When in doubt about a particular situation, interpretation should be sought from the Director through their immediate supervisor.

The Chief Administrative Officer is responsible for the application of the Code. When, in the judgement of the Chief Administrative Officer, a sensitive situation is apparent it shall be brought to the attention of Council through normal reporting procedures.

Whenever an employee suspects he or she may have a situation that does not meet the standards specified in the Code, the employee should immediately remove himself / herself from the situation and disclose the matter in writing to their Director, with a copy to the Chief Administrative Officer and Human Resources. If an employee has reason to believe that a supervisor is committing a breach of the Code, he / she may approach their supervisor's manager or Director. In the case of a situation arising involving the Chief Administrative Officer, direction shall be sought from Council.

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It is the responsibility of every supervisor to ensure that employees are aware of the Code and that the policies and procedures are observed. A supervisor who is aware that an employee has failed to observe the code of conduct shall take the appropriate corrective action.

MISCELLANEOUS

The operations of the Town are subject to many complex and changing provincial and federal laws. Employees are responsible for maintaining an up-to-date knowledge of legislation within their area of responsibility. Employees are also responsible for maintaining required licenses and / or professional designations that are deemed essential for their job.

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

REFERENCE

- Respect in the Workplace (Violence and Harassment Program)
- Hiring of and Employment of Relatives Policy
- Employee Confidentiality Statement Policy
- Communications Policy
- Dress Code Policy
- Council Strategic Plan
- Progressive Discipline Policy (Health and Safety)
- Code of Conduct for Building Officials
- Code of Conduct – Council
- Accessible Customer Service Policy
- Work Refusal Policy
- Acceptance of Gifts by Municipal Staff Policy
- Municipal Conflict of Interest Act

By-law Number:	N/A
Replacing/Amending:	Code of Ethical Conduct (September 11, 1989)
Originating Department:	Legislative Services
Contact:	Human Resources/CAO
Departmental Procedures Manual:	
Affected Departments:	All
Review Date:	April 24, 2020

Office of the Integrity Commissioner
Town of Gravenhurst
Information Bulletin
Code of Conduct – Employees
Appendix A

DATE: April 17, 2020
TO: Mayor and Members of Council, Town Gravenhurst
FROM: Suzanne Craig, Integrity Commissioner
RE: **Role of Members of Council when interacting with the Public and Staff**

SUMMARY:

In order to dispel misunderstandings among staff and Members of Council on the difference between general discussions and discussions that may materially advance the business of the Town, I have drafted in consultation with the Town's Chief Administrative Officer (the "CAO"), the best practices set out below.

I have prepared this Information Bulletin to help the Mayor and Members of Council, Town of Gravenhurst Council understand their obligations that are triggered under the Corporate Policy A09-COU – Code of Conduct (the "Code"), when interacting with members of the public and Town staff with respect to other relevant Town policies that intersect with Code rules.

Overarching Purpose of the Code

The rules of the Code provide an ethical framework for Members of Council and Local Boards to facilitate good governance and a high level of public confidence in the administration of the Town by its Members as duly elected and appointed public representative. The Code is in place to encourage high ethical standards among Members of Council and Committees of Council, and to share a common basis for acceptable conduct to which all Members are expected to adhere and comply so that they each operate from a foundation of integrity, transparency, justice, truth, honesty and courtesy.

Identifying the Chain of Command in the Administration

Members should follow the guidelines set out in this Information Bulletin to assist in assessing whether a matter falls within the sphere of day-to-day informal communications, or whether the matter is part of a discussion that may materially advance the business of the municipality. A Member may seek out advice from the Integrity Commissioner to assist in determining if it is appropriate for a matter to be the subject of informal communication or if the discussion should be restricted to official communications that are carried out in compliance with the rules of the Procedural By-law or in accordance with the Staff Council protocol.

FREQUENTLY ASKED QUESTIONS:

1. Would a Councillor having informal discussions with a staff person place staff in a position of a potential contravention of their obligations under the Employee Code of Conduct?

The March 11, 2020 Employee Code of Conduct Policy states:

"Employees shall not circumvent authority by way of seeking direction from or communicating with Council outside of the administrative and managerial chain of command as outlined above".

This section of the Employee Code of Conduct provides staff with a policy rule upon which to rely and acts as the corollary to the Code provision that requires a Member of Council to avoid any attempt to compel staff to engage in partisan political activities or attempt to coerce any staff member with the intent of interfering in the staff's duties.

This section of the Employee Code of Conduct aligns with municipal governance best practices that seek to promote order and efficiency. Municipal organizations require coordinated and organized input to inform decisions made by subject matter experts, statutory officers and Council.

2. Does the “managerial chain of command” prohibit a Member of Council from speaking to Town staff or to members of the public about Town matters?

Under the rules of the Code, a Member of Council may speak to any constituent, member of the public or staff person generally and also in social settings to the extent that they are not entering into a discussion that materially advances the business of the Town or a live issue that may be currently or imminently before Council for deliberation and decision. If a Member of Council is approached on a staffing issue, personnel issue or other Town business matter that may materially advance the business of the Town, this matter is more appropriately discussed at Committee, Council or at a Town meeting or between a staff person and their Supervisor/Manager/Director.

Rule 7.1 of the Code of Conduct for Members of Council states that:

7.1 Members receive confidential information from a number of sources as part of their work as elected officials. This includes information received in confidence by the Town that falls under the privacy provisions of the Municipal Freedom of Information and Protection of Privacy Act and other applicable privacy laws and information received during closed meetings of Council.

While a Member of Council is also a private citizen who may be approached by an individual in an informal setting and have a casual conversation about general matters of interest, the moment the conversation becomes about specific Town business (i.e. a personnel matter, a matter that will go before Council for deliberation and decision and may materially advance the business of the Town), the Member and the staff person (both in compliance with their respective Code of Conduct) should refrain from having the discussion, as this may be perceived to be **influencing** a future decision that is more appropriately conducted at the Council table or between a staff person and their supervisor/manager/director.

3. What should a Member do if an individual approaches them to discuss a matter that may materially advance the business of the Town and the Member believes the matter should be discussed by Council?

A matter that materially advances the business of the Town, may include:

- Staffing, remuneration issues
- Labour Relations
- Contract negotiations
- Items under litigation, settlement deliberations, or personnel matters
- Information that infringes on the rights of others (e.g. sources of complaints)
- Land transfers or acquisition
- Investigations of a By-law Enforcement Officer

If an individual (member of the public or staff person) approaches a Member of Council in an informal setting (in the workplace or otherwise) to have an informal conversation, the staff person or member of the public may generally discuss everyday matters, including general Town matters. A Member of Council is not prohibited from speaking with the public, a member of staff or other Members of Council. For example, if there is a pothole on someone's street and that individual encounters a Member of Council in a coffee shop or in the corridors of a Town Hall building, they may raise this issue with the Member of Council. Under the Council Code of Conduct, a Member of Council is not prohibited from speaking to individuals about Town issues generally. By way of example, a Member can certainly explain to an individual what processes are in place at the Town to address a particular issue of concern. The Member may also invite the individual to raise the matter with the appropriate staff person or department.

For example, the Member may say, "you should speak with ____ (name of staff person who deals with road repair or the department) however, I will let _____ (name of employee or department) know about the issue. In the future, I would invite you to raise these types of issues with staff of the Town". However, the moment the conversation becomes about specific Town business (i.e. a personnel matter, a discipline matter, an ongoing complaint about noise that is not a general discussion but that relates to a specific ongoing noise complaint investigation that is currently before the by-law officer

or that has been concluded not to the satisfaction of the complainant, or a matter that will go before Council for deliberation and decision), the Member should not continue further discussion because this may interfere with the decision-making authority of the CAO/HR, by-law enforcement officer or other staff with delegated authority. It is important for a Member of Council to understand that participating in a discussion that materially advances the business of the Town in an informal setting (in person or through email) may taint the final decision on the personnel matter/discipline matter/Council decision with bias and the decision may be challenged on the basis of a reasonable apprehension of bias of the decision-maker.

4. What is the appropriate process to be followed for a Member of Council to bring forward questions regarding clarification of existing Town policy or development of new Town Policy?

Only Council as a Whole has authority under the Municipal Act to deliberate on policy changes. A Member of Council may make inquiries of staff, through the appropriate senior staff or the CAO if they seek clarification on the meaning of a policy or its application. Formal requests for clarification on policy documents and/or recommendations on changes, should be made in accordance with the Town's procedural by-law and the Town's delegation of authority by-law.

An individual Member of Council does not have authority to direct staff to change an existing policy. In accordance with Rule 4 of the Code, clarification on corporate policies must be conducted in accordance with the Town's Procedural By-law with a quorum of Council or Committee present at a properly constituted meeting.

When a Member is asked about a matter, the discussion of which may *materially advance* the business of the Town, the Member should adopt the following best practice considerations to ensure compliance with the provisions of the Code:

- Conduct these discussions at duly constituted Committee or Council meetings
- Refrain from attempting to influence the decision-making authority of a supervisor, manager or other staff with delegated authority
- Refer the individual to the staff person responsible for the decision-making or the Department of the Town that has responsibility for the development and implementation of the policy that address the query

5. What are some best practices that a Member should follow when interacting with staff to avoid discussions that may materially advance the business of the Town?

Members should consider adopting the following best practices:

- Proactively determine what rules of the Code, the Procedural By-law the Municipal Act or other statutes¹ may be triggered by a discussion on a matter
- Carefully review meeting Agendas and background documents to become aware of the decision-making history of matters that will be before Committee or Council for discussion
- Seek clarification from the Integrity Commissioner
- Remember to consider that email communications are generally subject to access requests under the *Municipal Freedom of Information and Protection of Privacy Act*.
- If the matter is one that will be discussed at a Town Hall meeting, consider referring the individual to the Department at the Town that has responsibility for the matter (i.e. Street light covers – Public Works) as this demonstrates that the Member is making no attempt to influence the discussion or the outcome of the voting, prior to the matter coming before Committee or Council.

Concluding Remarks

Whether a Member of Council is interacting with other Members of Council, Town staff, Committee Members or the public, the intent of the Code of Conduct for Members of Council is not to curtail a free flow of information or prohibit discussions. The rules of the Code are in place to prohibit conduct or actions that would **unduly influence** or **be perceived to unduly influence** a Town decision or the decision of a staff person with delegated authority, to the advantage of the Member or third parties. If a Member believes that a Town matter should be discussed at a meeting of Council or a Committee of Council, the Member should seek advice from the CAO or Town Clerk to determine if the matter is more appropriately subject of managerial transactions between an employee and their supervisor and/or manager.

¹ The Municipal Act, The Municipal Conflict of Interest Act, The Municipal Elections Act, The Municipal Freedom of Information Act, the Occupational Health and Safety Act, the Employment Standards Act

If you have any questions about the application of the rules of the Council Code of Conduct, please contact:

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