

## **COMMITTEE OF THE WHOLE – APRIL 20, 2010**

### **REVISED EMPLOYEE CODE OF CONDUCT**

#### **Recommendation**

The Commissioner of Legal & Administrative Services and City Solicitor, and the Director of Human Resources in conjunction with the City Manager and the Senior Management Team, recommend:

THAT the revised Employee Code of Conduct, set out in Attachment #1, be adopted.

#### **Sustainability**

Regular reviews and where necessary, updates of the City's policies ensure that the City is in a position to be able to achieve its goals and objectives leading to a sustainable forward thinking organization.

#### **Economic Impact**

This report has no costs associated with implementing the recommendation.

#### **Communications Plan**

With regard to communicating expectations in the Employee Code of Conduct, the revised Code will be effective from the date adopted and the Human Resources Department will provide training to all employees. In addition, the Code will be available on the VIBE, in the Employee Handbook and will be provided in hard copy to update policy manuals. All employees will be required to sign off acknowledging that they have been provided with and understand the Code of Conduct and that they agree to adhere to the Employee Code of Conduct.

#### **Purpose**

This report provides a revised Employee Code of Conduct which has been updated and is consistent with the mission, values and goals of the Corporation.

#### **Background and Analysis**

The current Employee Code of Conduct adopted in 1991 and has not been updated. The Code of Ethics and Conduct for Members of Council was recently revised and adopted as the Code of Ethical Conduct for Members of Council.

Employees in the public sector provide services to the citizens of the community. In recent years, the scrutiny of public sector employees has increased. While the employees of the City of Vaughan have been required to comply with the Employee Code of Conduct since at least 1991, updates to the corporations mission, vision and values, the enhanced scrutiny and the need to regularly review and where necessary update policies which affect staff resulted in staff beginning a review of the Employee Code of Conduct.

Staff reviewed the existing Employee Code of Conduct and researching Code's of Conduct from other municipalities as well as the private sector. A revised draft Code of Conduct was developed with input from SMT, the Directors, Legal Services, and Policy Planning Departments.

The draft Employee Code of Conduct which is recommended is consistent with the City's values of Respect, Accountability and Dedication. It provides very clear expectations of employees with regard to their conduct as it relates to respect, confidentiality, conflict of interest, accountability, Business Meals/Functions, Social/Sporting/Charity Functions and Gifts. This will assist staff in ensuring that their actions are consistent with the Code.

The revised Code also provides specific requirements for reporting and investigating alleged violations of the Code. The Code also clearly outlines the impact of making false or bad faith allegations and resulting actions for violations of the Code so that employees are aware of and clearly understand the possible outcomes.

The Code of Conduct also outlines all of the related policies and procedures under which employees are expected to comply

Finally, the revised Employee Code of Conduct must be acknowledged by employees and they must sign indicating their agreement to adhere to the Code of Conduct. Prior to requiring such an acknowledgement, staff will be thoroughly trained on the Employee Code of Conduct. This will ensure that all employees, not only have been given a copy of the Code but have also been trained on it and have had opportunities to ask questions of clarification to ensure that they understand the Code.

Staff continue to review policies and will continue to bring updates forward as they arise for consideration by Council. Staff believes that this draft Employee Code of Conduct will support Council and staff in achieving its mission, vision and goals in accordance with the City's values.

#### **Relationship to Vaughan Vision 2020**

The updating of policies relates to the Vaughan Vision 2020 goal of Staff Excellence and Management Excellence and provides clarity to employees and the organization with regard to acceptable behaviours in the workplace.

#### **Regional Implications**

This report does not have any regional implications.

#### **Conclusion**

The updating of the Employee Code of Conduct is important so that employee's are provided with relevant and clear information about the expectations as it relates to their employment with the Corporation.

#### **Attachments**

1. Draft Revised Employee Code of Conduct
2. Current Employee Code of Conduct

**Report Prepared By**

Janet Ashfield, Director of Human Resources

Respectfully submitted,

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Janice Atwood-Petkovski  
Commissioner of Legal & Administrative Services

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Janet Ashfield  
Director of Human Resources

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**PURPOSE:**

The City of Vaughan expects its employees to conduct themselves in a manner that reflects the City's commitment to the principles of honesty, integrity, objectivity, diligence, and professionalism in delivering services to the public. This Code is consistent with the City's values of Respect, Accountability and Dedication.

City employees must follow standards of ethical and professional behaviour in the course of their work to ensure that public confidence and trust is maintained. This code establishes standards designed to promote and protect the public interests through honest and ethical conduct which enhances public confidence and trust in the integrity, objectivity and impartiality of the City.

**APPLICATION:**

This policy applies to all employees of the Corporation of the City of Vaughan.

**DEFINITIONS:**

**City Property -** all real property, City vehicles, equipment, material, supplies, hardware, software, intellectual property and documents, including electronic versions thereof.

**City Vehicle -** City vehicles are as defined in the Fleet Policy.

**Confidentiality -** ensuring that information is accessible only to those authorized to have access

**Conflict of Interest -** a situation in which private or personal considerations, including pecuniary interests and personal interests, could affect an employee's judgement in acting in the best interest of the Corporation.

**Nominal Value -** with a face or retail value of less than \$50

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**Pecuniary interests** - interests that have a direct or indirect financial impact and include any matter in which the employee has a financial interest, or in which the employee is a shareholder, director or senior officer or holds controlling interest in a corporation and that corporation has a financial interest or in which the employee is a partner of a person or is in the employment of a person that has a financial interest, or in which a parent, spouse, same sex partner or child of an employee has a financial interest, if known to the employee.

**Personal interests** - involve forms of advantage other than financial such as seeking an appointment, promotion or transfer within the Corporation on behalf of a family member.

**POLICY**

The City of Vaughan strives to protect all of our employees, vendors, customers and the public from any illegal or damaging actions committed by employees either knowingly or unknowingly.

All City of Vaughan employees are required to comply with this policy and be aware of the policies, procedures, laws and regulations that affect their job. While this Code of Conduct cannot cover every situation, employees of the City of Vaughan are expected to exercise sound judgment and contact their supervisor for clarification or advice when uncertain.

**RESPONSIBILITIES**

*Management Staff must:*

- Promote an environment in which employees demonstrate standards of ethical and professional behaviour
- Take appropriate steps to ensure employees are aware of and act in compliance with this Code of Conduct and related policies
- Demonstrate behaviours that are consistent with the Code of Conduct
- Support staff members in adherence to the Code of Conduct
- Establish and maintain adequate systems, procedures and controls for the operation which support compliance with this Code of Conduct

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- Deal in a fair and expeditious manner with any allegations of Code of Conduct violations, in consultation with Human Resources
- Begin an investigation into an allegation within five business days or as soon as possible after receiving an allegation in writing which is signed by the complainant.

*Employees must:*

- Sign a document acknowledging that they have read and understand the Code of Conduct, and that they agree to comply with its provisions
- Seek clarification from management or Human Resources if uncertain about any information contained in this Policy
- Adhere to the standards of behaviour outlined in this Policy

*The Human Resources Department must:*

- Maintain the Code of Conduct and related human resources policies
- Provide information and education relating to the Code of Conduct
- Provide advice on matters that are related to the Code of Conduct
- Support management in the investigation of alleged breaches of the Code of Conduct
- Determine, in conjunction with Management, the appropriate disciplinary action for confirmed breaches

## **CONDUCT**

Employees are expected to:

### Respect

1. Work together to promote a workplace built on trust, accountability and openness
2. Be fair and civil and operate in a climate of mutual respect
3. Not manipulate or conceal information
4. Treat the public with diplomacy, tact and objectivity

### Confidentiality

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5. Not inappropriately disclose, share or otherwise abuse confidential or privileged information
6. Ensure that they appropriately disclose, provide or share corporate or confidential information only to those entitled to it
7. Maintain confidentiality of information both during employment and after departing the organization
8. Not intentionally misrepresent facts

Conflict of Interest

9. Tell his/her supervisor that he/she is unable to act on a matter in which there is a real or apparent conflict of interest
10. Disclose to his/her Commissioner (or in the case of a Commissioner, to the City Manager), in writing in a timely manner, any matter in which he/she has a real or apparent conflict of interest
11. Not participate in the analysis of information or make decisions on an issue in which he/she has a real or apparent conflict of interest
12. Decline employment, including self-employment from an outside interest that is either incompatible with or in conflict with the employee's official duties for the Corporation of the City of Vaughan.
13. Do not provide preferential treatment and avoid the appearance of preferential treatment by adhering to established procedures

Accountability

14. Not perform work that is unrelated to City business during business hours.
15. Use City information, property and assets for activities associated with the discharge of their duties. It is recognized that occasional personal use of phones and computers can occur, provided such use does not interfere with normal business operations or productivity and the user is personally responsible for any consequential additional costs.
16. Use all City vehicles, equipment and materials with due care

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17. Comply with applicable corporate policies and procedures, laws and regulations including but not limited to:
  - a. Maintaining a safe and healthy work environment
  - b. Promoting a Respectful Workplace that is free from discrimination, harassment and violence in accordance with the Respectful Workplace policy and the Workplace Violence Policy
  - c. Comply with the *Municipal Act* if the employee wishes to run as a candidate in a municipal election
18. Keep their individual political activities separate from the business of the City of Vaughan including not engaging in any political activities at the workplace, during work hours or using City property
19. Operate City vehicles (as defined by the Fleet Policy), or equipment in accordance with the Fleet Policy
20. Abide by applicable laws, regulations and policies governing the possession or use of alcohol and drugs and ensure that job performance is not adversely affected

Business Meals/Functions

21. It is recognized that from time to time, City business may be conducted over a meal. Such working meals are a normal function of doing business, and will not be deemed a violation of the Code of Conduct or a gift provided:
  - a. such business meals are occasional, and
  - b. it can be demonstrated that it furthers the City's business interests

Social/Sporting/Charity Functions

22. Attendance at social functions including dinners, galas and sporting events, where attendance is on behalf of the City, is recognized as a normal function of City business and will not be deemed a violation of the Code of Conduct or a gift provided:
  - a. attendance is in a representative capacity on behalf of the City of Vaughan; and
  - b. attendance furthers the City's business interests; and
  - c. Acceptance of such tickets is infrequent and the business contact attends the event with the employee;

OR



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- d. similarly-positioned representatives of comparable government organizations are anticipated to attend the social function

Gifts

- 23. Not accept gifts (including items, articles, services, offers, or vouchers) except gifts of nominal value
- 24. Realize that even items of nominal value, if frequently given, may be perceived to be an attempt to create an obligation
- 25. Donate gifts to charity or raffle gifts and send proceeds to charity where money is raised
- 26. Share gifts amongst the department, if perishable
- 27. Not accept preferential loans offered in the course of their employment at the City

**REPORTING/INVESTIGATION**

Employees who have reasonable grounds to believe a violation of the Code of Conduct has occurred should report such activity or behaviour, in writing, to their Director, Commissioner, the Human Resources Department or the City Manager.

Supervisory and management staff shall take all appropriate steps to prevent and stop conflicts of interest which come to their attention. Any supervisory or management staff member who is subject to, witnesses, or is given written complaints of conflict of interest shall work to minimize or eliminate the issue at hand. In the event that this is not possible with the available resources, the management staff is required to report the conflict to their Commissioner or the City Manager.

The City shall investigate all complaints of violations of the Code of Conduct and take all appropriate actions.

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**NO RETALIATION**

The City will not condone retaliation of any kind by or on behalf of the City of Vaughan and its employees against good faith reports or complaints of violations of this Code of Conduct or other illegal or unethical conduct. All employees must co-operate fully during an investigation of alleged wrongdoing in relation to any activity outlined in the Code of Conduct. Retaliation against someone who is a witness or is involved in such investigation is strictly prohibited and will result in appropriate disciplinary action.

**REMEDIAL ACTION**

Any employee that is found to have violated the Code of Conduct will be subject to disciplinary action up to and including discharge from employment.

In addition complaints which are found to be vexatious or made in bad faith will result in a penalty against the complainant. The severity of the penalty will be determined based on the seriousness and impact of the complaint following an investigation which may be subject to disciplinary action up to and including discharge from employment.

**AWARENESS OF CODE OF CONDUCT**

This Code of Conduct will be made available to all employees by providing it at the time of orientation, by inclusion in the Employee handbook, and posted on the intranet. In addition, employees shall be required to acknowledge receipt and acceptance of the Code annually and/or from time to time as necessary.

**REFERENCES AND RELATED POLICIES**

- |  |                                    |
|--|------------------------------------|
| Respectful Workplace Policy                                | Progressive Discipline Policy      |
| Workplace Violence Policy                                  | Municipal Computer Security Policy |
| Fleet Policy   | Hiring and Nepotism Policy         |
| Terms of Use – Computing and Telecommunications Facilities |                                    |

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I, \_\_\_\_\_, acknowledge that I have read and understand the Code of Conduct applicable to City of Vaughan employees. I agree to adhere to this Code of Conduct. I understand that if I violate this Code of Conduct, I may face disciplinary action up to and including the termination of my employment, as well as any necessary legal action required or taken by the Corporation.

Name: \_\_\_\_\_

Signature: \_\_\_\_\_

Date: \_\_\_\_\_

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The Corporation of the City of Vaughan recognizes its responsibilities and accountability to the public through the Council of The Corporation of the City of Vaughan. As part of this public service, the City expects each employee to adhere to the following Code of Conduct in the delivery of their services to the public.

### **CONFLICT OF INTEREST**

A conflict of interest arises when an employee's personal interests conflict with his/her duties and responsibilities as an employee of the City. A conflict of interest can exist whether or not a pecuniary advantage has been or may have been conferred on an employee.

Employees shall not engage in any business transactions or have financial or other personal interests which are inconsistent with the impartial discharge of their civic duties.

Employees shall not extend, in the discharge of their official duties, preferential treatment to relatives, friends, organizations or groups in which they or their relatives or friends have a pecuniary interest.

Employees shall not gain personal benefit, directly or indirectly, from any agreement or contract with the City about which they can influence decisions or affect the outcome.

Employees shall not gain personal benefit, or permit others to benefit, from the access to information acquired in their official capacity which is not generally available to the public through ordinary and proper channels.

Employees shall not engage in work, business or other types of financial enterprises outside the City that:

- X would interfere with or influence their judgement of the impartial discharge of their duties as civic employees;
- X would create or provide an advantage on account of their employment as civic employees; and
- X would be employment which has or may have business dealings with the City of Vaughan.

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Employees shall be bound to inform their supervisors, in writing, of any business interests of a commercial or financial nature where such interests might be construed to provide an advantage or to be in conflict with their civic duties. The supervisor shall then make alternative arrangements to deal with the situation.

Employees shall not solicit, accept or condone the solicitation of acceptance of any gift, favour or form of entertainment and/or hospitality from any person or corporation having dealings with the City of Vaughan or Vaughan Hydro, whereby the acceptance of such could in any way influence the impartial discharge of their civic duties or those of other City of Vaughan employees.

#### **CONTACT WITH THE PUBLIC**

Employees shall treat each contact with the public with diplomacy, tact and objectivity, and shall recognize that such contacts affect the municipality's public image.

#### **MEDIA CONTACTS**

Employees shall refer to the Department Head any contacts from the media which do not deal with information in the public domain, but which request opinions or comments on policy, procedures or other matters.

Press releases must be approved by the relevant Commissioner or the City Manager.

#### **PROPERTY**

Municipal property such as vehicles, equipment and materials shall not be used by employees for personal use, unless authorization has been obtained, in writing, from the Department Head, and a copy sent to the City Manager.

Municipal property includes computer programs, technological innovations and other patentable items devised while in the employ of the City of Vaughan, and which remain the exclusive property of the City of Vaughan.

Employees are expected to use all municipal vehicles, equipment and materials with due care and accountability.

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**CONFIDENTIALITY OF INFORMATION**

Onus is placed on Commissioners and Department Heads to ensure that employees are cognizant about confidential information held in their departments.

Employees shall not disclose or release, by any means, to any member of the public, either in verbal or written form, any confidential information or material acquired by virtue of their official position as an employee.

Employees shall not permit any person, other than those who are appropriately entitled thereto, to inspect or have access to information, papers or documents which are confidential.

Formal procedures are in place, in accordance with the Freedom of Information and Protection of Privacy Act, which govern situations where a member of the public requests access to information that is regarded as confidential by the City of Vaughan.

Employees shall not, by virtue of their position with the Corporation, use information for personal or private gain or for the gain of friends, relatives or any person or corporation having dealings with the City of Vaughan.

All personnel matters and files on any employee of the Corporation shall be kept in strictest confidence within the Department of Human Resources, and knowledge of their contents shall be available only to those who are appropriately entitled thereto.

Where an employee is unsure of the status of information, he/she shall confer with the Department Head for decision.

**POLITICAL ACTIVITY**

An employee of the municipality who intends to be a candidate in the municipal election for the City of Vaughan should consult the Municipal Act, R.S.O. 1980, chapter 302, section 38, where the conditions of such candidacy vis-a'-vis his/her employment are outlined.

During municipal elections, employees should ensure that any involvement in a municipal election campaign shall not adversely affect their duties as employees with the City of Vaughan.

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Commissioners, Department Heads, managers and supervisors shall not participate in any municipal election campaign activities. Civic resources shall not be used on any election campaign. No campaign-related activities shall take place on civic property.

**MEMBERSHIP ON LOCAL BOARDS, COMMISSIONS AND COMMITTEES**

Employees of The Corporation of the City of Vaughan shall not serve on the municipality's local boards, commissions and/or committees.

Employees of The Corporation of the City of Vaughan, where appointed to attend or attending local boards, commissions and/or committees in an advisory capacity, shall not vote on any matter before the body.

**ENFORCEMENT**

The City Manager, Commissioners, Department Heads, managers and supervisors shall, to the best of their ability, ensure that the Code of Conduct is followed by their subordinates.

A Commissioner, Department Head, manager or supervisor having knowledge of a breach of this Code of Conduct by an employee, shall bring such information immediately to the attention of the employee and the City Manager.

Any employee who has reason to believe that a manager or supervisor is committing a breach of the Code shall approach the City Manager in confidence.

Where it is determined that an employee is in contravention of any one of the foregoing, or of the Code itself, disciplinary action shall be taken.