

COMMITTEE OF THE WHOLE – SEPTEMBER 13, 2011

EMPLOYEE CODE OF CONDUCT – MINOR REVISIONS

Recommendation

The Commissioner of Legal & Administrative Services/City Solicitor and the Director of Human Resources recommend:

THAT the Employee Code of Conduct be amended as outlined below.

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

The City provides all employees with a copy of the Code of Conduct upon being hired with the organization and once annually to ensure that employees are aware of the Code including their rights and obligations thereunder. The policy will continue to be made available on the VIBE, in the Employee Handbook and a printed copy of the revised version will be provided in hard copy as appropriate to update policy manuals.

Purpose

The Employee Code of Conduct has been reviewed after its first full year and a minor revision proposed based on comments received. The Code of Conduct remains consistent with the mission, values and goals of the Corporation.

Background and Analysis

The proposed revisions to the policy are minimal and relate to removing a statement in the sign-off at the end of the Code as well as changing the consequences from mandatory discipline to permissive to allow for training and counselling opportunities with staff, without requiring disciplinary action.

These changes have been reviewed with legal counsel and will be forwarded to the bargaining units for their information prior to sending out the revised policies to staff.

Relationship to Vaughan Vision 2020

The review 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 as well as the consequences should they violate the Code of Conduct.

Regional Implications

This report does not have any regional implications.

Conclusion

The regular review and revisions, when appropriate of the Employee Code of Conduct is important so that employees are provided with relevant and clear information about the expectations and consequences of violation, as it relates to their employment with the Corporation.

Attachments

1. Draft Revised Employee Code of Conduct

Report Prepared By

Janet Ashfield, Director of Human Resources

Respectfully submitted,

Janice Atwood-Petkovski
Commissioner of Legal & Administrative Services

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

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Confidentiality

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 may 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 acknowledgement of the Code annually and/or from time to time as necessary.

REFERENCES AND RELATED POLICIES

- | | |
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| 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 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: _____