



## RURAL MUNICIPALITY OF ST. ANDREWS POLICY AND PROCEDURES MANUAL

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### MUNICIPAL EMPLOYEE CODE OF CONDUCT POLICY

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#### **1.1. PRINCIPLES**

The Rural Municipality of St. Andrews strives to maintain a high level of public trust and confidence in the integrity, objectivity and impartiality of the Municipality. Citizens expect municipal government to be fair, open and transparent.

Improving the quality of public administration and governance can be achieved by encouraging high standards of conduct on the part of all municipal employees. As our most valuable and significant resource, our employees are expected to maintain high standards of personal and professional conduct, demonstrate integrity and impartiality at all times, and perform their duties and responsibilities in a manner that recognizes a commitment to the well being of the community.

#### **1.2. Preamble**

Section 131(1), 131(2) of *The Municipal Act* requires all municipalities to establish a Code of Conduct for employees including conflict of interest rules and procedures for resolving conflict.

This Code of Conduct (Code) operates in addition to other policies, regulations and administrative directives for employees, as may be determined from time to time by Council or the Chief Administrative Officer.

Where any provision of this “Code” is inconsistent with a collective agreement or employment contract that applies to that employee, the provision of the collective agreement or employment contract applies.

#### **1.3. Definitions**

- (a) **Assets:** Include, but are not limited to, all property of the municipality including equipment, financial assets, buildings and land, vehicles, material, documents (whether in hard or digital/electronic form), inventories, tools, electronic equipment, computers, electronic mail, internet services, information and work time.
- (b) **Chief Administrative Officer (CAO):** Means the Chief Administrative Officer of the Municipality, and includes his or her designate. The CAO is the administrative head of the Municipality.

- (c) Code: Means the *Municipal Employee Code of Conduct* established and approved by motion of Council.
- (d) Confidential information: Means information that is not part of the public domain and information designated by council as confidential, such as personal information, internal policies, items under any legal proceeding, etc.
- (e) Dependent: Means the spouse or common-law partner of an employee, and any child, natural or adopted, residing with the employee, and has the same meaning as in *The Municipal Council Conflict of Interest Act*.
- (f) Elected Officials: Includes Council, Head of Council, Councillors, and any other members of the municipality who are elected to an office.
- (g) Employee: Means any person employed by the Municipality, and includes the Chief Administrative Officer, designated officers, full time, part time, contract, or casual employees, including volunteers.
- (h) Just Cause: Means sufficient of proper reason for discipline or discharge.
- (i) Municipality: Means the Rural Municipality of St Andrews.
- (j) Non-Pecuniary Interest: Includes family relationships, friendships, position in associations and other any interest that does not involve financial gain or loss.
- (k) 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 including but not limited to dependents, family members partners, employees and anyone who resides in the same house as the employee. Such interest may include a fee, commission or other compensation paid or payable to any person or business. Pecuniary Interest also includes a direct or indirect pecuniary (monetary) interest within the meaning of the *Municipal Conflict of Interest Act section 4*.
- (l) Political Activity: Includes activities to raise and contribute money to campaigns with an aim to advance any individual's or group's interest; and to campaign for an individual, group or furtherance of any issue.
- (m) Public Comment: Means disclosures made in a public speech, lecture, radio, electronic media or television broadcast in the press or a book.
- (n) Volunteer: A person who, of their own free will, provides service to the community while under the general supervision of the Rural Municipality of St Andrews or as a member of a commission, board or committee appointed by Council, with or without compensation or other consideration, or as a volunteer firefighter.

#### **1. 4. Purpose**

Municipal employees hold positions of privilege. Therefore, they must discharge their duties in a manner that recognizes a fundamental commitment to the well being of the community, their fellow employees and regard for the integrity of the Municipality.

The purpose of this Code of Conduct is to:

- (a) Assist employees and provide a universal understanding expressed in terms of general principles on the fundamental rights, privileges and obligations of municipal employees acting in or in connection with their official capacity, for their own protection.
- (b) Protect the public interest. The practical application of the Code's provisions to diverse situations may reveal gaps, ambiguities and inconsistencies in the Code. In these circumstances, the protection of the public interest is to be taken as the true underlying intent of the Code.
- (c) Identify and promote high ethical standards of behavior expected among municipal employees in the deployment of their duties.
- (d) Provide a means for municipal employees to obtain authorization and guidance for some contemplated conduct in circumstances where they are uncertain as to the ethical appropriateness of that conduct.
- (e) Set out the means of correcting unethical conduct, and resolving conflict effectively.

### **1.5. Application**

All Employees must familiarize themselves with the contents of the Code and act in accordance with the principles and the guidance set out in it. Failure to comply with the Code of Conduct may be a disciplinary matter. Employees must ensure that they understand their duties, rights and responsibilities, and to seek advice from their supervisor or the CAO when in doubt.

### **2.1. SCOPE**

This Code applies to all Employees of the Municipality.

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. All matters requiring interpretation of the Code are to be referred to the CAO.

### **2.2. Communicating the Code of Conduct**

Upon the adoption of the Code by resolution of Council 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.

The CAO as administrative head of the Municipality must ensure that all employees have a signed copy in their employee file stating that they have read, understood and accept the Municipal Employee Code of Conduct.

Copies of the Code of Conduct will be distributed to all employees upon hiring and employees will be asked to review the code at yearly employment appraisals.

It is the responsibility of all municipal employees to become familiar with the provisions of the Code of Conduct and sign a document stating that they understand and accept the terms of the Code.

### **2.3 Review of the Code of Conduct**

The Code is a dynamic document meant to reflect changing needs, realities and responsibilities. Therefore, as new issues arise, the Code will be periodically reviewed and modified to reflect the current environment.

Council will review the Code once during their term in office (once every four years) to ensure provisions continue to be appropriate. However council may review the Code at its discretion.

### **3. USE OF CONFIDENTIAL INFORMATION**

Employees may have access to confidential information during the course of their duties and responsibilities. The *Freedom of Information and Protection of Privacy Act* (often referred to as "FIPPA") restricts or prohibits disclosure of information received in confidence from third parties of a corporate, commercial, scientific or technical nature, information that is personal, and information that is subject to solicitor-client privilege. Employees should not access or attempt to gain access to confidential information in the custody of the Municipality unless it is necessary for the performance of their duties and not prohibited by Council policy.

Municipal employees must hold in strict confidence all information of a confidential nature acquired in the course of his or her employment with the Municipality, and are expected to keep all matters and information confidential, until the information is available to the general public.

Employees must not use confidential information concerning the affairs of the Municipality to advance their personal interests or private gain of self, dependents, or of any other person.

### **4. USE OF INFLUENCE**

The Municipality strives to ensure fairness and objectivity in its decision-making process. No employee shall use the influence of her or his position for any purpose other than for the exercise of her or his duties.

Employees must not use their positions to give anyone preferential treatment that would advance their own interests, or that of any member of the employee's family, friends or business associates.

Employees who have a financial interest in a Municipal contract, sale or other transaction, or knowingly have family members, friends (individuals with whom the employee has a close personal relationship) or business associates with such interests, must not participate in any discussion, evaluation or recommendation with respect to the matter.

### **5. ACCEPTANCE OF GIFTS OR BENEFITS**

Citizens' perception of the integrity of the Municipality and its employees is important. Employees must avoid real or perceived appearances of impropriety with organizations or businesses that do business with the Municipality. Employees must not place themselves in a position where they are under an obligation to favour an individual or a firm.

Employees must not accept gifts, favours or other benefits (e.g. hospitality or entertainment) that are connected directly with the performance of their duties or responsibilities, from any person who is directly or indirectly involved in any business or relationship with the Municipality. However employees may accept gifts, favours, benefits, hospitality or entertainment if the offer is infrequent and appropriate to the occasion and part of a normal exchange between persons doing business or part of a public function.

There is a role for “moderate hospitality”. If unsure, employees must consult with their supervisor or the CAO to determine whether or not a specific gesture would constitute moderate hospitality.

Employees receiving gifts or benefits over \$200.00 in one calendar year from one source or gifts or benefits with an estimated single time value of \$50.00 must file a disclosure to the CAO as soon as possible.

### **6.1. CONFLICT OF INTEREST**

A Conflict of Interest occurs when, in the course of an employee’s duties, the employee is called upon to deal with a matter in which the employee has a direct or indirect personal and/or financial interest. Conflict of Interest is not limited to actual bias, but relates to the appearance or possibility of bias. If an Employee has real or perceived conflict, he or she should stand aside from any discussion, deliberation or voting on the issue. Pecuniary and Non-Pecuniary interests as described in 6.2 and 6.3 must be disclosed.

### **6.2. Pecuniary Interest**

The principles underlying pecuniary interest relate to a person’s interest in a matter being based on the probability that the person stands to gain or lose financially from it.

### **6.3. Non-Pecuniary Interests**

Is one in which an employee may be (or perceived to be) subject to bias (i.e. not having an open mind) in relation to a decision affecting the employee’s other interests. These may be interests or relationships arising out of kinship, marriage, domestic relationships, wider family relationships, employment or membership of community organizations, or could arise from a strong point of view expressed on a certain issue. This situation is usefully posed as a question – *Would a reasonable observer think that your impartiality might have been affected?*

Non-Pecuniary interests or conflict may arise if an employee is active in some capacity in an organization and that organization has dealings with the Municipality and;  
is affected by a decision of Council, or  
applies to Council for a consent of some kind, or  
makes a submission on an issue.

### **6.4. Common Areas of Possible Conflict**

When in doubt to whether a conflict or possible conflict of interest exist the employee must seek direction from the CAO. The CAO may require the employee to put in writing the conflict or perceived conflict of interest.

Some of the more common areas of potential conflicts include the following:

- (a) An employee may not make a personal bid on the sale of municipal property or goods, except those disposed of at public auction. In the case of vehicles, employees are never permitted to participate in the public auction of such items, unless prior approval is obtained from the CAO.
- (b) The choice of suppliers of goods and services to the Municipality must be based on competitive considerations of quality, price, service and benefit to the Municipality, and must comply with its policies. Contracts will be awarded in a fair and legal manner and are subject to the established purchasing procedure. Use of one’s position or knowledge to influence this process for direct or indirect personal gain is prohibited. Employees must not represent themselves as being in a position to commit the Municipality to the purchase of

- goods or services except in accordance with relevant policies and practices, and within the recognized authority of their position.
- (c) When it is necessary to engage the services of an individual or firm to consult for, or otherwise represent the Municipality, special consideration must be given to avoid conflicts of interest between the Municipality and the person or firm to be employed. Hiring of such agents must be done in accordance with the purchasing procedures and Conflict of Interest Policies.
- (d) Any employee that believes they, or someone else, is in breach of these provisions must comply with the disclosure requirements of the Code.

### **6.5. Post-Employment Conflict**

Employees shall not act, after they leave employment with the Municipality in such a manner as to take improper advantage of their previous position.

## **7. TRANSPARENCY AND OPENNESS IN DECISION MAKING**

Municipal Employees will endeavour to conduct duties and convey decisions in an open and public manner other than for those issues that may be discussed in closed sessions of council as permitted by *The Municipal Act* (legal and personal) or are of a confidential nature, so that stakeholders can understand the process, logic and rationale, which was used to reach conclusions or decisions.

## **8. PROFESSIONAL DEVELOPMENT**

Employees may have the opportunity for professional development, including but not limited to Federal, Provincial and Municipal conferences, seminars and workshops as approved by Council. Municipal employees are encouraged to stay updated on issues and trends so that they can be as efficient and effective as possible in the carriage of their duties and responsibilities.

## **9. WORKPLACE SAFETY**

Workplace safety is a shared responsibility of all municipal employees. Managers, supervisors and the CAO 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 Manitoba. All Employees are to take every reasonable and necessary precaution to ensure their personal safety and health as well as that of their colleagues.

## **10. CONDUCT AT MEETINGS**

As meetings may be an important part of building a strong municipal work force, all Employees are to make their best effort to attend meetings. During Council, General Committee or any other meetings, or working group meetings, Employees shall conduct themselves with the highest level of personal and professional conduct.

## **11. USE OF MUNICIPAL PROPERTY AND ASSETS**

Municipal property and assets belong to the community as a whole and must only be used by an Employee for work related duties and responsibilities, or for community activities that are authorized by the CAO or resolution of council. Municipal property and assets in the care of an employee must be protected and kept secure at all times. Personal use of municipal property and assets by an employee are permitted only if authorized by the CAO or resolution of council.

**12.1. POLITICAL AND COMMUNITY ACTIVITIES**

All Employees have the right to take part in political and community activities. Employees need to ensure that participation in such activities does not place them in a real or perceived conflict of interest. Employees engaged in community activities must continually assess their involvement and expected decision-making responsibilities in light of their employment with the Municipality.

**12.2. Electioneering**

Employees are permitted to participate in electioneering, canvassing or actively work in support of a political candidate or party provided they do so outside of normal working hours, or during an authorized leave of absence without pay for the purpose. No employee shall use the facilities, equipment, supplies, services or other resources of the Municipality including newsletters and websites linked through the Municipality's website for any election campaign or campaign-related activities.

**12.3. Campaigning**

No employee shall undertake campaign-related activities (campaigning) on municipal property during regular working hours unless permitted by Municipal Policy (e.g., all-candidates meetings). Examples of campaigning include telephone and e-mail solicitation, distribution of brochures, the display of campaign signs and the wearing of candidate buttons. Employees are expected to follow principles outlined in the *Campaign Expense By-law*, and the *Election Financial Statement By-Law*.

**12.4. Election to Public Office**

Employees who wish to seek election to a position as a member of the Municipal Government, the Provincial Legislature or the Parliament of Canada are governed by the relevant municipal, provincial or federal legislation and are entitled to obtain a leave of absence without pay from the date of nomination as a candidate until such time the election has commenced.

**13. FAMILY AND PERSONAL RELATIONSHIPS**

The Municipality strives to be fair, objective and transparent at all times. Employees must ensure that their family and other personal relationships and their official duties are independent of each other. Employees shall not improperly use their influence to obtain appointment, promotion or any other advantage within the Municipality on behalf of a family member.

It is expected that all hiring, promotions, performance appraisals or discipline will be undertaken in an objective and impartial manner. This may require reporting relationships to ensure employees are not supervised directly or indirectly by a close family member and employees are protected against conflict of interest or perceived conflict of interest with regard to employment. Employees must not give preferential treatment to family or any other person with whom the Employee has a personal relationship.

**14. OUTSIDE WORK OR BUSINESS ACTIVITIES (MOONLIGHTING)**

Employees are committed to ensuring the Municipality's success in delivering services to citizens effectively and efficiently and must act in the best interests of the municipality.

Employees must ensure that they avoid any outside employment or business activities that:

- (a) place the employee in a position of conflict with official duties;
- (b) interfere with the performance of an employee's duties including hours of work, on call or overtime;

- (c) where the employee has an advantage or appears to have an advantage as a result of their employment with the Municipality;
- (d) will or might appear to influence or affect the Employee in carrying out their municipal duties;
- (e) requires or involves use of municipal property or assets;
- (f) is contrary to the interests of the Municipality.

Employees should disclose in writing all outside employment situations including self-employment in the same profession as employed by the Municipality with the CAO in order to receive approval and to ensure compliance with the Code and its related policies. Consideration will be given to find a balance between the employee's private interests and the interests of the Municipality.

Employees shall not use the Municipality's time or resources, such as photocopiers, stationery, computers, e-mail, Internet, printers, vehicles, cellular phones, pagers or such, for the benefit of their second job or external activities.

Outside employment not requiring approval may include directorship of a company with no contractual or other relationship with the Municipality, private sector employment which does not involve specific skills, knowledge or contacts used in employment with the Municipality, or unpaid work of a charitable or not-for-profit nature.

### **15.1. PUBLIC COMMENT**

Every Employee shall display the reserve inherent in his/her position with the Municipality when publicly expressing personal opinions on matters of political controversy or on existing or proposed municipal policy or administration.

This policy is not intended to restrict the legitimate public comment of spokespersons of employee associations nor the public comment of employees on matters of essentially a personal interest to the employee as opposed to an interest related to his/her employment with the Municipality.

Furthermore, it is not the intent of this Code to restrict the ability of employees to express a personal opinion on matters of general interest. In such cases, the employee must make it clear that the comment is being made in their capacity as a private citizen, and not as a representative of the Municipality. Employees must use caution to ensure that the Municipality's interests are not compromised in any way, either by the use of municipal letterhead, e-mail addresses or by any other implication.

### **15.2. Media Relations**

The media play an important role in providing the public with news and information about the Municipality, and in reporting on the public's views and opinions. Media inquiries should be referred to the CAO who will respond directly on behalf of the Municipality or refer the individual to the appropriate spokesperson, with the exception of elected representatives. If a message is received from a reporter, the CAO should be notified in a timely manner to accommodate publication deadlines.

Only factual and objective information related to policies adopted by Council shall be transmitted. Employees will endeavor to accurately and adequately communicate the attitudes and decisions of Council, even if they disagree with the majority decision of Council.

Employees must refrain from putting forth speculative or subjective insights. Information concerning adopted policies, procedures and decisions of the Council including confidential information will be communicated only when and after determined by Council.



### **16.1. Personal Conduct / Professionalism**

Employees interact with the organizations, community agencies, contractors, suppliers, and the general public on a daily basis. Employees must be professional, courteous and objective in all of these interactions. Employees are expected to reflect a professional image at all times. They are expected to conduct themselves with the highest degree of ethical behaviour and integrity.

As with such external relations, employees must also be professional and courteous with their co-workers. They should be aware that improper behaviour in the workplace has a negative effect on others. Examples include excessive noise, potentially offensive pictures and jokes, profanity and demonstrating little or no respect for other's personal belongings. Employees are expected to be reasonable and fair in their expectations of each other and resolve any conflict in a mature and professional manner.

### **16.2. Harassment**

The municipality is committed to providing employees with a work environment free from unlawful discrimination or harassment, and promotes an atmosphere that respects the dignity, self-worth and human rights of every individual. No form of harassment, including either sexual or personal harassment, will be tolerated, whether it involves employees or members of the public.

All Municipal employees have a duty to treat members of the public and one another appropriately and without abuse, bullying or intimidation, and to ensure that their work environment is free from discrimination and harassment.

Workplace harassment occurs when an employee engages in any demeaning or offensive behaviour, verbal or non-verbal, which causes the work environment to be stressful, degrading or discriminatory for some employees.

Each complaint of harassment will be treated as a serious matter. It is the responsibility of all employees to create and maintain a workplace free from harassment. An employee may seek confidential advice or information from their supervisor or the CAO.

For more information on *Harassment* (16.2) refer to the Rural Municipality of St Andrews *Harassment Policy*.

### **16.3. Use of Alcohol or Illegal drugs**

It is never permissible for employees to attend to their job duties and responsibilities after having consumed alcohol or under the influence of drugs or other similar substances, which might adversely affect performance on the job. This will also apply if you are on call and may be asked to work on short notice.

If an employee is prescribed drugs which may affect their ability to perform their duties, they should seek advice from their supervisor, union representative or the CAO on the health and safety implications of this at the earliest opportunity.

The Municipality prohibits the sale, purchase, transfer, distribution, and unauthorized possession or consumption of any alcoholic beverages by employees while on municipal property or while performing their functions.

Employees who may be experiencing problems related to alcohol and drug use are encouraged to contact their supervisor, Union Representative or the CAO to arrange for the appropriate Employee Assistance Program.

The performance of duties under the influence of alcohol or illegal drugs will be regarded by as a serious disciplinary matter. For more information on the *Use of Alcohol or Illegal Drugs* (16.3) refer to the Rural Municipality of St Andrews *Use of Alcohol and prohibited Substances Policy*.

### **17. Staff/Council Relations**

Municipal employees must recognize the distinct roles of the elected and non-elected bodies within the Municipality. Simply stated, Council is responsible for developing policy and staff are responsible for its implementation. A significant yet somewhat less-defined function of staff is the role of advisors to Council. Because of the significance of this advisory function, it is important that staff avoid creating disparity by dealing with members of Council in an inequitable manner.

- (a) Employees shall deal with all members of Council in an objective and impartial manner at all times.
- (b) Employees must recognize that elected officials are responsible for the establishment of policy and that employees are responsible for implementation of the directives originating from Council and conduct themselves accordingly.
- (c) Good teamwork is based on "no surprises". Municipal employees, when requested to provide information to elected officials, must endeavor to provide that same information to all members of Council.
- (d) Employees have the authority to refer elected officials to the CAO if they are made to feel uncomfortable with any request for information, opinion or assistance by, or on behalf of, the elected official.

### **18.1. Procedures**

Employees are expected to comply with the Code of Conduct. Employees are encouraged to and have the responsibility to seek clarification and request an interpretation of the Code from the CAO if they are unsure whether their behavior, circumstances or interests contravene the Code. All complaints or inquiries will be treated as confidential. An employee who fails to disclose an actual or potential conflict may be subject to discipline.

### **18.2. Disclosure**

Where an employee suspects that he or she is, or may potentially be, in conflict with any of the provisions of the Code, the employee must disclose the conflict or potential conflict to the CAO. The CAO may request the details of the disclosure be put in writing. In the case of the CAO, conflict or perceived conflict of interest must be disclosed to Council.

The disclosure should include a detailed description of the conflict or potential conflict. Where a disclosure is made, the matter will be treated seriously and in confidence.

The CAO must review the disclosure within five (5) business days, from the date the disclosure is made, and determine an appropriate course of action to address the actual or potential conflict.

### **18.3. Complaint Procedure**

The CAO shall investigate:

- (1) all complaints or inquiries concerning the ethical conduct of Municipal employees.
- (2) on his/her own initiative, the conduct of a Municipal employee where he/she determines an investigation warranted.

The CAO shall summarize the findings of the investigation in written form and forward and/or present to the employee complained against. The CAO may choose to include the complainant in the findings and the appropriate course of action to be taken.

Where the CAO determines the conduct referred to him/her does breach the Code of Conduct, the CAO may:

- (1) instruct the employee to divest himself/herself of the outside interest or transfer it to a trust;
- (2) take disciplinary action in accordance with the normal progressive discipline system.

The employee against whom the complaint was directed or who was inquiring as to the appropriateness of his/her conduct, and who was found to be in contravention by the CAO, shall have the opportunity to appeal the findings of the CAO to Council.

**19. REVISIONS**

Council may, at its discretion and by resolution, amend the Code.

**20. IMPLEMENTATION**

Upon adoption of this Code of Conduct and thereafter a copy of the Code of Conduct will be included as part of the orientation for all newly hired employees, and current employees. All employees and members will have two (2) signed copies; one for the employee and one for the CAO to place in the employee's file. This will convey to each other and all stakeholders that the employee has read, understood and accepted the guidelines as outlined in this Code of Conduct.

Note: Employees should not assume that any unethical activities not covered by the Code of Conduct are permissible.

**Signature**

The undersigned hereby acknowledges that they have read, understood and accept this Code of Conduct.

\_\_\_\_\_  
Printed Name of Employee

\_\_\_\_\_  
Date

\_\_\_\_\_  
Signature of Employee