



Policy Name: Employee Code of Conduct	Policy No: S600-03
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Department/Division:	Human Resources

1. Purpose

The purpose of this Code of Conduct is to establish a general standard to ensure all Town of Pelham employees share a common basis of acceptable conduct in performing their duties. The Code of Conduct promotes public confidence that Town staff operate from a base of integrity, transparency, honesty, and courtesy.

2. Policy Statement

The Town of Pelham is committed to the fundamental principles of integrity, transparency, honesty, and courtesy as a matter of good governance. To keep this confidence and trust, employees must be above reproach in their professional dealings. Every employee is expected to comply with the Code of Conduct and all other policies and procedures that govern employee behaviour.

This policy applies to all Town of Pelham employees (including full-time, part-time, casual, temporary, seasonal, and students). This policy shall be applied in conjunction with any applicable collective agreement, legislative requirements and/or standards identified by an employee's professional affiliation.

3. Definitions

"Confidential Information" – includes, but is not limited to, privileged information, draft by-laws or staff reports, third party information, personal information, technical, financial, or scientific information and any other information collected, obtained, or derived for or from Town records that must be kept confidential under the



Municipal Freedom of Information of Privacy Act, R.S.O. 1990, c. M. 56 (MFIPPA), or the Personal Health Information Protection Act, 2004, S.O. 2004, c. 3, Sched. A (PHIPA).

"Conflict of Interest" – refers to any situation in which a Town employee has private interests that could compete with or that be perceived to compete with their duties and responsibilities as an employee. It can also be a situation in which an employee uses their position for private gain or expectation of private gain, or when an employee uses their position to benefit the private interest of their Family, friends, or organizations in which the employee, their Family, or friends have a financial interest.

"Family" – for the purposes of this policy, Family means the spouse, common-law partner, child(ren), parent(s) and sibling(s), including parent(s) and sibling(s) in law, of any Town employee.

"Fraud" – includes any array of acts characterized by intentional deception. Dishonest, illegal, or fraudulent activities include, but are not limited to:

- Forgery or alteration of documents;
- Misrepresentation of information by an individual;
- Misrepresentation of information on documents;
- Misappropriation of funds, securities, supplies or any other assets;
- Unauthorized use, disappearance, or destruction of Town property, equipment, materials, or records;
- Improper handling or reporting of money transactions;
- Authorization or receipt of payments for goods not received or services not performed;
- Authorization or receipt of payment for hours not worked;
- Any inappropriate expense claim made, which is unrelated or related to Town business or the employee's job responsibilities;
- or
- Any apparent violation of Federal, Provincial, or local laws.



"Gift or Benefit" – means cash, fees, admission fees, advances, vouchers, invitations, services, hospitality, travel and accommodation, entertainment or other thing or consideration, given, donated, transferred or otherwise conveyed to an employee, unless the giver, donor, transferor, or conveying person receives payment or other or other consideration of goods property, of equal or greater value to the value of what was so provided.

"Personal Information" – as defined in s. 2(1) of *MFIPPA*, is recorded information about an identifiable individual, and includes:

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



"Private Interest" – private (or personal) interest means a relationship, obligation, duty, responsibility or benefit unique to the employee or a person related to the employee.

"Privileged Information" – any information protected by a statutory or otherwise legally recognized right against disclosure, including but not limited to information subject to solicitor-client privilege, litigation privilege and/or settlement privilege.

4. General Provisions

4.1 Disclosure of Confidential or Personal Information

Employees may not disclose or use Confidential Information, Privileged Information or Personal Information. Such information is only to be disclosed, used or exchanged as necessary to perform one's duties and in accordance with the provisions of *MFIPPA*, *PHIPA*, Town policy, or other legislative requirements. Where an employee is uncertain as to whether information may be disclosed, they are to seek guidance from their supervisor.

4.2 Private Interests

No employee in the course of their duties shall seek to advance a Private Interest, directly or indirectly. Examples of advancing a Private Interest include but are not limited to:

- Influencing or attempting to influence the Town to contract with a person, partnership or corporation for any purpose in which the employee has a personal interest, or for which the employee has received or reasonably anticipates receiving some profit, payment, or compensation.
- Soliciting or accepting from any person or corporation any profit, commissions or other payments or favours in the way of price or other advantages, such as loans or services, when the person or corporation has had, or may reasonably be expected to have, any business, commerce or trade dealings with the Town or the person or corporation is seeking any decision, act, advice,



comment, endorsement or anything whatsoever from the Town, its employees or Town Council.

4.3 Receipt of Gifts or Benefits

Employees shall not seek or accept any Gifts or Benefits or other favours of any kind from any external person or business organization that influences or could be perceived to influence the performance of the employee's duties, except as provided below:

- Acceptance of Gifts or Benefits such as baseball hats, t-shirts, books etc. at a nominal dollar value (\$50 or less);
- Attendance at social events such as a conference, convention, symposium, forum, panel discussion, dinner, viewing, reception or similar event, and the gift or benefit is offered by the entity responsible for organizing and presenting the event and unsolicited by the employee; or
- Charitable donations or fundraising for the benefit of the community.

Where an employee is uncertain whether a Gift or Benefit is reasonable to accept, they are to seek guidance from their supervisor.

4.4 Professionalism

Employees must be professional in their actions and appearance and courteous and objective in all of their interactions with persons in receipt of Town services or programs, including community agencies, contractors, suppliers and the general public. Town employees are ambassadors and are expected to reflect a professional image at all times.

As with 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 lack of common courtesy, gossip, unsolicited remarks, inappropriate pictures or jokes, profanity, excessive noise or perfume/cologne, or demonstrating lack of respect for others' opinions



or 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. For further information, refer to the Workplace Violence, Harassment, and Discrimination Policy S101-16.

4.5 Additional Employment

Employees may not engage in outside work or business activity which:

- Uses unique knowledge or information related to their employment with the Town resulting in a Conflict of Interest;
- May negatively influence or affect them in carrying out duties related to their employment with the Town;
- Takes place while on duty with the Town;
- Derives some form of personal benefit or advances a Private Interest by virtue solely of their employment with the Town;
- Is performed in a way as to appear to be an official act of or to represent the Town;
- Interferes with the delivery of Town services by the employee or others;
- Involves the use of Town resources; or
- Competes and/or poses a conflict of interest with services provided by the Town.

An employee who is or is considering becoming involved in additional employment where a perceived Conflict of Interest may exist, arise or develop, must notify their manager in writing, outlining the nature of such work. Written permission must be received prior to the acceptance of such employment. Documentation of the request and approval shall be kept in the employee's Human Resources file. The Town reserves the right to withdraw approval at any time.

4.6 Political Activity

Employees may exercise their civic right to run for public office, in accordance with legislative requirements. Where an employee wishes to run for a political office (i.e. Pelham Town Council) they must first seek a leave of absence (in accordance with Town policies and/or collective agreements) for the period between the day of nomination and ending on voting day, pursuant to the *Municipal Elections Act*,



1996, S.O. 1996, c. 32. If the employee is elected, they must resign their employment with the Town prior to assuming their new duties.

While conducting their duties on behalf of the Town, employees must appear to be politically neutral. They are to avoid expressing their personal views on matters of public controversy, Town policy or administration if the comment is likely to impair public confidence in the Town. Where an employee is uncertain whether their actions or comments are appropriate, they shall seek guidance from their supervisor.

4.7 Membership on Boards and Committees

Employees shall not be involved with an agency, board or commission if such service might affect the objectivity with which they must discharge their duties. Employees who are appointed to an agency, board or commission in an advisory capacity as part of their employment shall not vote on any matter before the body, where the employee may personally benefit from participating. In the instance that a real or apparent Conflict of Interest arises, the employee must declare this and refrain from participating in the issue.

4.8 Use of Town Property

Town employees may not use or permit the use of Town property including facilities, equipment, supplies or other resources for activities not associated with the proper performance of their duties. However, Town employees may on occasion use a cell phone or computer issued to them by the Town in relation to personal matters. All personal use of Town-issued cell phones and computers must be infrequent and brief. It must also be reasonable, ethical and professional and must not interfere with employment duties, Town policies or procedures, and/or the business functions of the Town. The Town may at any time restrict or prohibit personal use of Town-issued cell phones and computers by any or all employees.

4.9 Intellectual Property



The intellectual property rights in any work produced by an employee in the course of employment at the Town are the exclusive property of the Town, unless there is a written agreement stating otherwise between the Town and the employee. No employee shall sell, transfer, or in any way authorize the use of any intellectual property, including copyrighted property such as literary or artistic works, patented inventions or processes, technological innovations, computer programs, data bases, and trademarks, belonging to the Town, without express authority from the Town.

4.10 Software

The Town forbids software piracy, defined as using any unlicensed copy of a software package that has not been purchased for Town purposes. It includes taking a copy of a licensed software package for one's own use or passing a copy on to another person for their use.

4.11 Employment of Relatives

Human Resources will ensure that employment related decisions, concerning existing or potential Town employees, are free from any real or perceived improper influence based on Family relationships and significant social relationships. At the same time, it is recognized that existing Family and significant social relationships with Town employees should not unduly or unfairly restrict or enhance an individual's opportunity to pursue employment or changes in employment at the Town.

No employee shall be in a direct reporting relationship or be placed in a position of influence over an employed Family member or person with whom that employee has a significant social relationship. Employees who become involved in a spousal relationship, significant social relationship, or who become Family over the course of their employment may continue as employees if no direct reporting relationship exists between such employees. If there is a direct reporting relationship, a decision will be made, in consultation with



Human Resources, as to appropriate next steps. For more information please refer to the Hiring Policy S600-07.

4.12 Public Criticism of the Town

Employees are expected to support policies, programs and decisions of the Town and not publicly criticize the Town as an institution or employer, such that the public's perception is adversely affected. All employees have a general right to freely express opinions on matters of public policy however this right is limited by an employee's employment relationship. Public criticism may include, but is not limited to letters to the editor, interviews with the media, negative statements to the public and posts on social media sites.

4.13 Financial Integrity

Employees who maintain the Town's financial and accounting records shall do so with the utmost integrity, reflecting accurately and punctually all transactions, assets and liabilities of the Town. All business records, expense accounts, invoices, vouchers, bills, payroll and employee records and other reports are to be prepared with care and honesty. False or misleading entries, other false or misleading information, or omissions of entries in the records or reports of the Town, or any unrecorded bank accounts, are strictly prohibited. No employee shall undertake any Fraud. No employee shall establish or maintain secret or unrecorded cash funds or other assets of the Town for any purpose or conceal any transaction from the Town's internal or external auditors. No employee shall use Town funds for any personal use at any time.

5. Reporting and Compliance

Any violation of this policy may result in disciplinary action, up to and including termination of employment and legal prosecution. Serious breaches of this policy must be reported in accordance with the Town's Whistleblower Policy S600-11 and reporting procedure. Employees who report breaches in good faith will be protected from reprisal in accordance with the terms of that policy.



The Employee Code of Conduct supports but does not replace the use of good judgment regarding personal and professional conduct. The absence of a specific policy, regulation or Code of Conduct provision does not dismiss employees from the responsibility of exercising the highest standards of conduct in all situations. It does not alter or replace Town of Pelham policies already in place that may be more specialized and specific (i.e. the Workplace Violence, Harassment, and Discrimination or the Whistleblower policies).

Employees are expected to comply with the Town of Pelham's Employee Code of Conduct, policies and procedures as a condition of employment. Employees are responsible for seeking clarification from their supervisor, manager, director or Human Resources should questions arise.

6. Attachments

Whistleblower Policy S600-11