

RURAL MUNICIPALITY OF NORTH QU'APPELLE NO. 187

MUNICIPAL EMPLOYEE CODE OF CONDUCT

The information in this document refers to:

- *The Municipalities Act, section 111.1*

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PRINCIPLES:

Our employees must observe the highest standards of conduct in the performance of their duties, regardless of personal consideration. Employees must avoid situations in which their personal interest conflicts, or appears to conflict, with the interests of the municipality in their dealings with persons doing or seeking to do business with the municipality.

Employees must not engage in any conduct or activity that contravenes our by-laws or any law in force in Saskatchewan which might:

- detrimentally affect the municipality's reputation;
- make the employee unable to properly perform his or her employment responsibilities;
- cause other employees to refuse or be reluctant to work with the employee; or
- otherwise inhibit the municipality's ability to efficiently manage and direct its operations.

PURPOSE:

This Code of Conduct is intended to:

- provide an understanding of the fundamental rights, privileges and obligations of municipal employees;
- protect the public interest;
- promote high ethical standards among municipal employees;
- provide a means for municipal employees to obtain authorization for conduct in circumstances where they are uncertain as to the ethical appropriateness of that conduct; and
- set out the corrective measures for unethical conduct.

CONFIDENTIALITY:

Every municipal employee must hold in strict confidence all information of a confidential nature acquired in the course of his or her employment with the municipality. 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.

Without restricting the scope of this principle, it is considered a breach of the Code of Conduct for an employee to use information that is obtained as a result of his or her employment and that is not available to the public to:

- further, or seek to further, his or her private interests or those of his or her family; or
- seek to improperly further another person's private interests.

USE OF INFLUENCE:

The municipality strives to ensure fairness and objectivity in its decision-making process.

Without restricting the scope of this principle, it is considered a breach of the Code of Conduct for an employee to use his or her position to seek to influence a decision of another person so as to:

- further, or seek to further, his or her private interests or those of his or her family; or
- seek to improperly further another person's private interests.

PROCEDURES:

Employees are expected to comply with the Code of Conduct. Employees have a responsibility to request an interpretation of the Code from the municipality's senior administrative official (the Administrator) if they are unsure whether their behavior, circumstances, or interests contravene the Code.

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 in writing, to:

- his or her direct supervisor, in the case of any employee; or
 - the supervisor must immediately advise the Administrator.
- council or the Personnel Committee in the case of the Administrator.

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 supervisor 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.

1. DEFINITIONS

- 1.1 "Municipal Employee" - includes all employees and officers of the RM of North Qu'Appelle No. 187 as defined in the personnel policy.
- 1.2 "Public Comment" – disclosures made in a public speech, lecture, radio or television broadcast, in the press or book form.
- 1.3 "Confidential Information" – while the classification of information as "confidential" is a matter of administrative discretion whether labeled as confidential or not, disclosure of information will not constitute a breach of the Code of Conduct unless that information is of an inherently confidential nature such as:
- a) personal data of employees or others;
 - b) records related to internal policies and practices which, if disclosed, may prejudice the effective performance of a municipal operation;
 - c) records of a financial nature reflecting information given or accumulated in confidence;
 - d) files prepared in connection with litigation and adjudicative proceedings;
 - e) reports of consultants, policy drafts and internal communications which, if disclosed, may prejudice the effective operation of a municipal operation or impugn the reputation of any person;
 - f) any report prepared for Council is to be released only by Council; and
 - g) information regarding the acquisition or disposal of land.
- 1.4 "Municipality" – means the RM of North Qu'Appelle No. 187.
- 1.5 "Just Cause" – means sufficient or proper reason for discipline or discharge.

2. RESPONSIBILITIES

- 2.1 RM Council shall:
- a) adopted as RM policy, a Code of Conduct;
 - b) hear appeals on actions taken concerning management employees' ethical conduct by the Administrator;
 - c) following the appeal, decide on the appropriate action in matters concerning employees' ethical conduct; and
 - d) conduct investigations into complaints against the Administrator under this policy.
- 2.2 Administrator shall:
- a) investigate allegations and inquiries relating to ethical conduct by employees;
 - b) decide on the appropriate action in matters concerning employees ethical conduct; and

2.3 Personnel Committee shall:

- a) fully inform newly appointed employees of the ethical standards they are expected to observe;
- b) keep employees informed, on an ongoing basis, of the RM's policy on ethical behavior; and
- c) prior to the making of an appointment to a position, request a disclosure of actual or potential conflicts of interest which would be brought about by that person's employment in that position.

2.4 Employees:

a) Integrity

Ultimately, ethical behavior relies on the diligence of the individual. However, since a breach of ethics impacts not only on the individual but also the municipality, a code of conduct is the means by which the municipality acknowledges their responsibility in this area, as well as, their responsibility to provide clarity to their employees on what would be considered inappropriate behavior.

Without restricting the scope of this policy, the following shall be considered breaches of the Code of Conduct:

1. Conduct in one's private life or employment activities which harms the RM's reputation or renders the employee unable to perform his or her duties satisfactorily, such as by way of creating an actual or perceived conflict of interest;
2. Care must be exercised in the development of personal relationships or friendships with any group or individual over whom the employee has the direct and exclusive authority to approve of or influence a matter directly concerning them;
3. Unless otherwise authorized, to use or permit the use of RM vehicles, equipment, materials or property for purposes other than RM business;
4. To solicit patronage from elected municipal authorities to further his or her personal interests or the interests of others, to the extent that any other citizen could not receive;
5. To knowingly breach the law or any government regulation in the performance of his or her duties or to request others do so; and
6. To intentionally falsify any of the RM's records.

b) Impartiality

Every municipal employee must perform his or her duties in an impartial manner.

1. No employee shall grant any special consideration, treatment or advantage in matters related to his or her employment to any citizen or business beyond that which is available to any other citizen or business.

c) Conflict of Interest

Every municipal employee shall avoid situations in which the employee has a personal interest sufficient to influence, or appear to influence, the objective exercise of that employee's authority. When an employee is, or believes he/she may be in a position of conflict of interest with regard to the RM, the employee should disclose this to their Department Manager, or in his/her absence, to the Administrative and refrain from exercising his/her authorities relevant to the conflict until duly authorized.

1. Gifts and Benefits

Employees must ask themselves the following questions when trying to determine if a gift or benefit might be considered as an incident of the protocol of employment or a social obligation that normally accompanies the responsibilities of employment:

- a) is the item or gift or benefit to the employee personally either directly or indirectly [e.g. will the employee or a member of his/her family take personal possession of the gift or is it a gift over which the City will take control and custody?];
- b) is the gift or benefit being given with any expectations whatsoever that the employee will either currently or at some point in the future take some action [e.g. influence the employees behavior in favor of the gift givers behalf, etc.] that will benefit the giver of the gift;
- c) is the value of the gift or benefit likely to influence any decision or action of the employee?

To further clarify item b), employees should also ask themselves if an unbiased third party could expect or think that preferential treatment could/would be provided if the employee accepted the gift or benefit.

If the answer to questions 2 or 3 is yes, then the employees should not accept the gift under any circumstances and if accepted would be considered a breach of the Code of Conduct. If, however, the answer to the first question is yes, but the answer to the others are no, then the gift might be considered to be incidental to the duties of employment. If this is the case, any gifts received which exceeds \$250.00 in value or an accumulation of individual gifts from the same person exceeds \$250.00 in the course of a year, then the employee is obligated to disclose the nature of the gift, who it was received from, when it

was received and the circumstances under which it was given and accepted, with their respective Department Head as soon as reasonably practicable [for example, within one week of the gift being received]. Failure to do so would also be considered a breach of the Code of Conduct.

One final comment with respect to this would be that, if in doubt error on the side of caution. A simple way to answer the questions above as yes or no is, that if you feel you have to ask somebody else their opinion, then the answer is "yes".

2. Use of Municipal Property

- a) this section regulates the "outside" use of municipal property by an employee.

Without restricting the scope of this principle, the following shall be considered breaches of the Code of Conduct:

1. An employee must not use the municipality's property, equipment, supplies or services for activities not associated with the discharge of official duties; and
2. Employees shall not use the municipality's property, equipment, supplies or services for personal gain.

d) Outside Employment or Activities

Every municipal employee must perform his or her duties to an acceptable level.

Without restricting the scope of this principle, the following shall be considered breaches of the Code of Conduct:

1. Where the outside employment or activity is performed in such a way as to give the impression that the employee is acting in an official municipal capacity or holding himself or herself out as representing an official RM point of view; and
2. Where an employee uses his or her position to solicit business on his or her own account during regular working hours for the RM.

e) Financial Transactions

Every municipal employee must adhere to RM bylaws and policies regarding any municipal financial transactions.

Without restricting the scope of this principle, the following shall be considered breaches of the Code of Conduct:

1. Where the employee is in a position where he/she could derive any direct or indirect benefits or interest from any municipal contract or business on which the employee can influence decisions; and

2. To buy surplus municipal property where the employee can influence decisions with respect to the disposal arrangements. This restriction is not intended to prohibit any employee from obtaining surplus municipal property which is offered for sale by public tender. Disposal of municipal property, assets or services shall be in compliance with the RM purchasing bylaw or municipal policies. At no time shall this benefit any individual employee or group of employees.

f) Confidentiality

Every municipal employee must hold in strict confidence all information of a confidential nature acquired in the course of his or her employment with the RM.

Without restricting the scope of this principle, the following shall be considered breaches of the Code of Conduct.

1. To use confidential information which is not available to the general public and to which the employee has access by reason of his/her employment with the RM to further his/her personal interests or the interests of others; and
2. To disclose to unauthorized persons confidential information to which the employee has access by reason of his/her employment with the RM.

g) Political Activity

Municipal employees are to be allowed as great a measure of political rights as can be reconciled with the need to ensure the fact and appearance of impartiality in the performance of their duties with the RM. The point at which an appropriate balance can be struck in any particular case depends primarily on the nature and level of the employee's responsibilities.

Without restricting the scope of this principle, the following shall be considered breaches of the Code of Conduct:

1. To use the authority or influence of his/her position with the RM on behalf of a political party or candidate.
2. To engage during working hours in any activity for or against any candidate.
3. When seeking election to the RM of North Qu'Appelle No. 187 municipal office, an employee shall adhere to the requirements of Sections 66 and 67 of the Local Government Act.

3. PROCEDURES

- 3.1 Municipal employees are encouraged to seek clarification from the supervisor if they are uncertain as to whether an existing or contemplated action may contravene the Code of Conduct.
- 3.2 Complaints or inquiries concerning the ethical conduct of any municipal employee shall be made in writing to the supervisor. Complaints regarding the Foreman shall be made to the Personnel Committee and, in this case, the Personnel Committee shall fulfill the obligations of the investigating officer in subsequent sections.
- 3.3 All complaints or inquiries will be treated as confidential.
- 3.4 A copy or summary of any written or oral complaint received is to be sent immediately to the employee complained against with a request to provide a response.
- 3.5 The employer shall investigate all complaints or inquiries concerning the conduct of a municipal employee.
- 3.6 The employer shall summarize the findings of the investigation in written form and forward to the employee complained against, his findings on the appropriate course of action to be taken.
- 3.7 Where the employer determines the conduct referred to him does breach the Code of Conduct, the employer may:
 - a) instruct the employee to divert himself/herself of the outside interest or transfer it to a trust;
 - b) instruct the employee to cease and desist from the actions which are found to be in conflict; and/or
 - c) take disciplinary action in accordance with the normal progressive discipline system.