

## CITY OF NANAIMO



### HUMAN RESOURCES POLICIES

<b>Policy:</b> Code of Conduct	<b>Number:</b> 4.1
<b>Applies To:</b> All Employees	
<b>Authorized by:</b> <i>Ted Swabey</i>	<b>Effective Date:</b> Mar. 11, 2015

#### **PURPOSE**

The purpose of this policy is to demonstrate the commitment of the City of Nanaimo ("City") to ensuring that all employees show the highest level of ethics and integrity in carrying out their duties for the City.

#### **POLICY STATEMENT**

It is the policy of the City that service in the public interest is the first obligation of all employees. It is the responsibility of every employee of the City to ensure that the best interests of the City are not jeopardized, and that their professional conduct is ethical and above reproach at all times. If employees are in doubt about any aspect of this policy, they are directed to seek further information from their manager.

The requirement to comply with the City's Code of Conduct ("Code") is a condition of employment (See Schedule A which defines the City's standards of conduct). Employees finding themselves in situations which violate the Code or which result in a public perception that a violation has occurred, must disclose the matter and remedy it.

#### **RESPONSIBILITIES**

##### **Employees**

- Review the Code and request clarification from the applicable Manager if required.
- Ensure personal conduct is impartial, ethical, above reproach, and always in the public interest, in accordance with this Code.
- Disclose to the applicable Manager any circumstances that create, or might be considered to create, a conflict of interest or may contravene the Code.

##### **Managers**

- Ensure employees in the Manager's area of responsibility are oriented to the Code.
- Create and maintain a work environment that promotes impartial and ethical practices and work conduct.
- Consult with Human Resources & Organizational Planning ("HR&OP") and provide advice and guidance to employees regarding questions about the Code.
- Promptly investigate, with the assistance of HR&OP, any allegations of conduct that may breach the Code and take appropriate action as determined by the investigation.

**Human Resources & Organizational Planning (“HR&OP”) Department**

- Promote awareness and understanding of the Code.
- Provide guidance to Employees and Managers on the interpretation of the Code.
- Assist Managers with the investigations into contraventions of the Code, and advise Managers on the appropriate action to take when dealing with breaches of the Code.

**PROCEDURE**

Every employee holds a position of trust and a part of this trust must be the obligation to report promptly, fairly and accurately any conduct or circumstances that may be contrary to this Code, relevant laws and regulations, or against the general interests of the City. Prompt and full disclosure is the best way to avoid compromising situations and reduce the risk of the City becoming entangled in any considered conflict of interest.

1. Employees disclose to their Manager or designate any situation involving them which could result in or be considered to result in a breach of the Code. Where employees are not able or comfortable going to the Manager they may seek the advice of HR&OP.
2. If considered serious misconduct, the Employee or Manager must report the misconduct as per the *Reporting Serious Misconduct* policy.
3. The Manager of the employee who is alleged to have behaved improperly, in consultation with HR&OP, conducts an investigation into the allegation. If the concern is founded, the individual is dealt with accordingly.
4. Employees are not penalized for making a report in good faith of an action that may be improper or unethical, even if the report is unfounded.
5. If, through an investigation, no evidence is found to support the claim, and it is determined that the report was lodged to cause harm to another individual, and not based on a good faith belief of impropriety, then the person who lodged the complaint is dealt with accordingly.

**DEFINITIONS**

- *Immediate relative:* refers to spouse, common-law spouse, same-sex partner, child, step-child, daughter-in-law, son-in-law, parent, parent-in-law, step-parent, sibling, sister-in-law, brother-in-law, grandparent, grandson, granddaughter, aunt, uncle, niece, nephew, cousin of an employee or other relative who permanently resides in the same household.

**RELATED DOCUMENTS**

- Human Resources Policy 4.1.2 – Reporting Serious Misconduct
- Human Resources Policy 4.3 – Uniform/Dress
- Human Resources Policy 4.9 – Respectful Workplace
- Occupational Health & Safety Program Manual – Violence in the Workplace policy

**PAST REVISIONS**

- March 2015 Change to Schedule A
- May 2014: Change to Audio and Video Recording section
- April 2014: Reformatting and addition of new sections
- May 1999: Revised
- November 1994: New document

## SCHEDULE A

### CODE OF CONDUCT

This document is intended to provide information to help employees understand the responsibilities under the City of Nanaimo Code of Conduct policy.

#### **Conflicts of Interest**

The City recognizes the right of public service employees to be involved in activities as citizens of the community, but employees must keep their role as private citizens separate and distinct from their responsibilities as public service employees and avoid conflict of interest situations.

Generally, conflict of interest situations result when an employee's private affairs or financial interests are in direct conflict with their duties, responsibilities and obligations, or result in public perception that a conflict exists which could impair the employee's ability to act in the public interest.

Employees should be aware of the following guidelines regarding conflict of interest situations:

- (i) Preferential Treatment  
An employee shall not go beyond their official duty to assist those dealing with the City where this would result in preferential treatment.
- (ii) Compromising Situations  
Employees should not place themselves in a situation where they are under obligation to any person who might benefit or seek to gain special consideration or favour.
- (iii) Relationship of Job Responsibility to the Employee's Private Affairs  
No conflict or public perception of conflict should exist between the private interests of employees and the discharge of their public service duties. Employees shall arrange their private affairs in a manner that will prevent any conflict of interest from arising.
- (iv) Representing Private Interest Before Municipal Agencies or Court  
Employees may, from time to time, have issues with the City of Nanaimo in their capacity as taxpayers or otherwise in their private dealings with the City. However, no employee, in their capacity as an employee, shall appear on behalf of private interests before any agency of the City. No employee shall represent private interests in any litigation to which the City is a party, in their capacity as an employee.
- (v) Gifts, Favours and Services  
Employees will not either directly or indirectly, demand or accept gifts, favours and services (e.g. money, goods, discounts, benefits, property, or anything else), whether to be received in the present or the future, from any individual, corporation or organization in the course of their employment duties other than the normal exchange of hospitality between persons doing business together.

Employees will not use their position with the City to obtain such gifts, favours, or services for their personal use, or for the use of relatives, business associates, or friends.

(vi) Contracts with the City

Employees shall not have an interest in any contract made by them in their official capacity or by any Public Committee, Board, Commission or Department of which they are a member, agent or employee.

(vii) Private Interest

An employee shall declare to the City Manager, in writing, any personal or corporate interest held directly or indirectly by the employee or by an immediate relative of the employee (as defined in this policy) in a contract with the City, or in any enterprise which proposes to transact business with the City.

### **Confidentiality**

No employee shall, without proper legal authorization, disclose confidential information concerning the property, governance or affairs of the City, unless it is in the course of the employee's duties to do so. Nor shall the employee use such information to advance financial or private interests.

### **Service to the Public**

Employees shall provide service to the public in a manner that is courteous, professional, efficient and as effective as possible. Employees must be sensitive and responsive to the changing needs, expectations and rights of a diverse public while respecting the legislative framework within which service to the public is provided.

### **Political Behavior**

Employees shall not use the status of their position on behalf of any political party, nor shall employees promise an appointment of any municipal position as a reward for any political activity.

Except in the ordinary course of their employment, employees will not enter into public political debate or advocacy, as a representative of the City, regarding City policies or by-laws. Employees are free to engage in such discourse as a private citizen but may not represent themselves as an employee of the City or as speaking on behalf of the City or with the knowledge of their office when they do so.

Employees who have concerns regarding administrative practices, misuse of public funds, or believe a situation results in danger to public health or safety will bring the matter to the attention of the City as per the procedure described in the *Reporting Serious Misconduct* policy.

### **Workplace Behavior**

The conduct and language of the City employees must meet acceptable professional standards and must contribute to a positive work environment. An employee's conduct must not compromise the reputation or integrity of the City of Nanaimo.

All employees have the right to expect, and the responsibility to create a workplace where they and other employees are safe. Violence and threats in the workplace are unacceptable and will not be tolerated, and must be immediately addressed. For further information refer to the *Violence in the Workplace* policy.

Employees, in dealing with other persons in the workplace, are to treat them with respect and dignity and to refrain from exploiting a work relationship for personal advantage or benefit. For further information refer to the *Respectful Workplace* policy.

Workplace dress must meet acceptable social, professional and safety standards and be appropriate for the specific job. For further information refer to the *Uniform/Dress* policy.

### **City Property and Information**

Except as otherwise provided in a written employment contract or City policy, City property, including vehicles, equipment, material, and City information, whether electronic or otherwise, will be used solely in the performance of an employee's duties and will not be used for unauthorized or illegal purposes, personal convenience or benefit (including commercial endeavour), including unauthorized non-City uses and events.

Notwithstanding the preceding, Directors may provide preauthorization for personal use of City property in appropriate circumstances (e.g. incidental use). An employee will not incur additional cost to the City for the personal use of any City equipment, unless preauthorized and such costs are reimbursed in a timely manner.

Personal use of City computers and electronic devices, such as cell phones, does not require pre-authorization providing that the usage is in accordance with the *Use of Computers and Electronic Communications* policy.

### **Audio or Video Recording**

With the exception of emergency operations systems (i.e. 911 calls, fire emergency calls), it is prohibited to record any conversations with a tape recorder or other recording device unless all parties to the conversation give their consent. This includes conversations with City employees and/or members of the public. There may be circumstances where the City Manager authorizes a City employee to record a conversation with a member of the public, provided that the member of the public is informed that the conversation will be recorded.

The purpose of this provision is to eliminate an adverse effect on the expression of views that may exist when one person is concerned that the conversation with another is being secretly recorded. This concern can inhibit spontaneous and honest dialogue especially when sensitive or confidential matters are being discussed.

### **Working Relationships**

Employees who are immediate relatives (as defined in this policy) may not be employed in situations where:

- A reporting relationship exists (i.e. one employee has influence, input or decision making power over the other employee's performance evaluation, salary, special permissions, conditions of work and similar matters); or
- The working relationship affords an opportunity for collusion between the two employees that would have a detrimental effect on the Employer's interest. This restriction may be waived provided that the City Manager or designate is satisfied that sufficient safeguards are in place to ensure that the City's interests are not compromised.

### **Outside Remuneration**

Employees may engage in outside employment, carry on business or receive public funds for personal activities provided that it does not place demands inconsistent with their job, or jeopardize their objectivity, and, in particular, that:

- It does not interfere with the performance of their duties.
- It does not represent a conflict of interest as set out in this Code.
- The employees do not have an advantage derived from employment.
- It is not performed in such a way as to appear to be an official act, and
- It does not involve the use of City premises, services, equipment, information or supplies which the employees have access to by virtue of employment with the City.

Employees are required to disclose to their excluded supervisor any outside employment that might put the employee into, or be reasonably seen to put the employee into, a conflict with their work for the City of Nanaimo.