

POLICY TITLE <u>Municipal Employee Code of Conduct Policy</u>		ADOPTED BY RM Council Resolution 2017-06-22-027 June 22, 2017	POLICY NO. 900-02
ORIGIN/AUTHORITY RM Council	JURISDICTION RM of Frenchman Butte No. 501	EFFECTIVE DATE June 22, , 2017 Code of Conduct	

POLICY STATEMENT

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 Rural Municipality of Frenchman Butte No. 501 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.

1. 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;
- maintain the integrity, confidence and dignity of fellow employees and Council;
- 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.

2. AUTHORITY

Authority rests with the Council in legal session, and Administration as directed by legislation and resolution/policy/bylaw of Council and not with individual members of council, Administration, employees or rate-payers.

Employees will abide by majority decisions of Council once they are made and the directives of Administration in accordance with such decisions and their authority.

3. ACCOUNTABILITY:

The employee will act with honesty and integrity and in accordance with any professional standard and/or governing laws and legislation that have application to the responsibilities you perform for or on behalf of the Rural Municipality of Frenchman Butte No. 501.

The employee will recognize that the expenditures of municipal funds/services is a public trust, and will endeavor to see that all such funds/services shall be provided by and expended as efficiently, economically and in the best interest of the municipality and in accordance with the Purchasing Policy.

4. 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.

5. KNOWLEDGE

The municipality strives to ensure employees are motivated to serve the municipality and rate-payers to the best of their ability.

Management will endeavor to keep informed on all local, provincial and national municipal developments of significance.

Municipal employees further acknowledge they must abide by the following:

- Anti-harassment/Respectful Workplace Policy and Procedure;
- OH&S Program and applicable legislation; and
- Employment Act.

6. RESPECT:

Employees will listen to what other employees or Council members, individuals or groups may have to say before making final decisions and agree to comply with the directives of Council through their supervisor.

Municipal Employees will endeavor to:

- Avoid hostility and bitterness;
- Observe proper decorum and behavior;
- Encourage full and open discussions in all matters;
- Not withhold or conceal any information or matter in which may affect the health and welfare of fellow employees and Council members;
- Make no disparaging remarks, in or out of the work place about other employees, members of Council and their opinions (but employees reserve right to make honest and respectful criticism);

- Not pursue any procedure calculated to embarrass a fellow employee or member of Council or another local government body; and
- Treat fellow employees, Council members and public with respect and consideration.

7. CONFLICT OF INTEREST

Conflict of interest arises when a person participates in a decision about a matter (including any contract or arrangement of employment, leasing, sale or provision of goods and services) which may benefit or been seen to benefit that person because of his/her direct or indirect monetary or financial interests affected by or involved in that matter.

In the event that such matter arises, the person shall formally disclose the interest, refrain from attempting to persuade or influence other persons participating in the decision.

Without restricting the generality of the above, a conflict exists when:

- The employee's ability and /or judgement is influenced by their own interests or those of a third party against the best interests of the Rural Municipality of Frenchman Butte No. 501.
- The outside interest interferes with or interrupts the employee's ability to perform civic duties.
- An employee uses Municipal Assets for purposes related to the outside interest, without authorization.
- The contract of work that must be inspected or approved by municipal employee where a conflict of interest or preferential treatment exists.
- The outside interest is performed in such a way as to appear to be an official act or to represent an opinion or policy of The Municipality.
- The outside interest involves activities offered on a commercial basis by that compete with services offered by The Municipality.
- An employee gains unfair advantage over other persons in obtaining contracts with The Municipality or parties conducting business with The Municipality.
- An employee's actions in their role within the Municipality affects or appears to affect the interests of their supplemental employers or private clients in such a way as to enhance the private interests of the employee.
- An employee receives additional compensation for performing their Municipal duties from parties' external to The Municipality, except as part of an employment contract as approved by Human Resources.
- An employee's performance of Municipality's duties is influenced by offers of future employment.

EXAMPLES OF OUTSIDE INTEREST

- Through his/her employment with the Municipality an employee becomes aware of possible work with parties conducting business with the Municipality that is otherwise unpublicized. If the employee was awarded the supplemental work, it could appear that he had an unfair advantage over others.
- A senior employee who is involved in a decision-making capacity regarding an outsourcing initiative on behalf of a municipality accepts employment with the firm who won the contract with the municipality.
- An employee recommends his/her spouse's consulting firm for municipal work. In this situation, the employee has used his/her public role to attempt to influence a decision (awarding a contract) which would further the private interest of his/her spouse.

- Your staff has reviewed bids for contracts and you find that your uncle's firm has been recommended to be awarded one of the contracts. This could be viewed as a conflict of interest. In this case, you should immediately advise your manager and remove yourself from the situation.

8. 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.

9. GIFTS, FAVOURS, OR SERVICES

- Employees may not accept any money, gifts or benefits or other things of value from any contractor, business, supplier, person/ratepayer, or entity with which the Rural Municipality of Frenchman Butte No. 501 does business with or provides services to, or with whom the Rural Municipality of Frenchman Butte No. 501 seeks to do business or provide services to.
- This also extends to prohibit kickbacks or any form of illegal or improper payment of any kind and employees shall not accept free or concessionary use of property or the payment of travel, living or entertainment expenses to or for themselves or a member of their family or friends.
- If a gift is received which cannot be personal accepted, it is to be turned in to the Administrator who will send a friendly letter of explanation that Rural Municipality of Frenchman Butte No. 501 policy does not permit such acceptance unless Council authorizes that the gift be used as a fundraising /donation/promotional item in the Rural Municipality of Frenchman Butte No. 501.
- **Exception: Employees are allowed to participate in and personally accept any prize or gift obtained by chance events or random draws.

10. USE OF MUNICIPALITY PROPERTY

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:

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

11. 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:

- In the case of any employee, his or her direct supervisor
- In the case of any supervisor, the Administrator.
- In the case of the Administrator, the 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 supervisor or Administrator 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.

12. INVESTIGATION AND CORRECTIVE MEASURES

Investigation and corrective measures to address breach of this policy. These include:

- Review by the Supervisor, Administrator, or Council;
- Employee to disclose specifics of breach;
- Where the conflict or potential conflict exists, employee to withdraw from participation respecting the matter
- An employee, who is reasonably suspected to have committed an illegal act or a breach of this policy, may be suspended from employment without pay where further data gathering or fact finding is required.

13. CONSEQUENCES OF NON-COMPLIANCE

After investigation if there is a breach of this policy, it will be treated as misconduct.

The Municipality will take corrective action in response to any infraction or transgression of this policy.

Misconduct will be reviewed and depending upon severity, may result in one or more of the following disciplinary actions being taken against the employee

- Verbal warning
- Written warning
- Suspension without pay
- Dismissal from employment,
- Seeking restitution
- Commencement of civil action
- Criminal prosecution
- Instructing the employee to divest themselves of the outside interest
- Transferring the employee to another position
- Or any combination thereof.

I, _____, have read, understand and agree to abide by the Code of Conduct of the Rural Municipality of Frenchman Butte No. 501 and I understand that such adherence is a condition of my employment. I understand that a violation of the Code of Conduct may result in disciplinary action as stated in the above policy.

Employee Signature

Date