

VILLAGE OF MARCELIN
MUNICIPAL EMPLOYEE CODE OF CONDUCT

PART A – PRINCIPLES:

Our employees must observe the highest standards of conduct in the performance of their duties, regardless of personal consideration. The public interest must be a primary concern. 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 any of the Village of Marcelin 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.

PART B - SCOPE:

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.

PART C - 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.

PART D - 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.

Without limiting the generality of Part B:

1. Every employee, in the discharge of his or her duties and at all times, shall comply with *The Freedom of Information and Protection of Privacy Act*.
2. No employee shall engage in any outside employment, business, or undertaking for the employee's direct or indirect personal gain,
 - (a) that will, or is likely to, interrupt or interfere with, the performance of his or her employment duties;
 - (b) that requires or involves activities related to the outside employment, business, or undertaking, during any portion of the work day in which the employee is required to perform duties for the Village;
 - (c) in which the employee will gain, or appear to gain, a benefit as a result of his or her position with the Village;
 - (d) that will, or is likely to, influence, affect, or impair the manner in which the employee carries out his or her duties with the Village, or his or her impartiality;
 - (e) in such a manner, or in such a way, as to appear to be acting on behalf of the Village, or appears to represent an opinion of the Village.
3. Where an employee performs work in the course of any outside employment, business, or undertaking for his or her direct or indirect personal gain, and that work requires inspection or approval by another Village employee, the employee must report the factual circumstances of that work, and the need for an inspection or approval, to Council.
4. No employee shall accept any gift, favour, commission, reward, advantage or benefit of any kind from any person who is directly or indirectly involved in any business relationship whatsoever with the Village, unless it is:
 - (a) a nominal exchange of hospitality among persons doing business;
 - (b) a token exchanged as a part of protocol; or
 - (c) a normal presentation made to persons participating in public functions.

Where an employee, as a result of the performance of his or her duties, receives or becomes entitled to receive any monetary payment, good, or service, that is outside the limits set out in this section, the employee shall turn over the monetary payment, good or service to the Chief Administrative Officer for such civic or charitable purposes as Council may determine.

5. No employee shall solicit gifts or prizes for any Village related purpose, including departmental events or functions, having other than nominal value, unless pre-authorized by Council.

6. No employee shall accept free travel or accommodation from any person with whom the Village does, or may do business, unless such travel/accommodation is pre-authorized by Council and is further to an existing contractual arrangement.
7. No employee shall take advantage of discounts/rebates on personal purchases from suppliers having a business relationship with the Village, unless those suppliers offer similar discounts/ rebates to the general public, or the offer is made through a program which has been authorized by the Chief Administrative Officer.
8. No employee shall use, or request the use of, any Village property, including surplus material, for personal convenience or profit, unless the property
 - (a) is available for such use by the public generally and the employee is receiving no special preference in its use; or,
 - (b) is made available to the employee as a matter of Village policy or under the terms of his or her employment or appointment.
9. No employee shall use any information acquired as a result of his or her duties with the Village for personal benefit unless the information is available to the public.
10. No employee shall grant any special consideration, treatment or advantage to any person in their dealings with the Village.
11. No employee shall represent the Village in dealings with any persons in which he or she has a direct or indirect pecuniary interest or with his or her dependants or relatives.
12. Unless pre-authorized by Council, no employee shall represent any person in dealing with the Village, nor appear before Council or any board, commission, or committee of the Village on behalf of any person, except where the employee, or a dependant of the employee, has a direct interest in the person being represented, or such representation is a part of the employee's duties.
13. No employee shall actively campaign, or solicit funds, for a potential or declared candidate for elected office during any portion of the work day in which the employee is required to perform duties for the Village or at the workplace.

PART E. ENFORCEMENT

1. Where an employee has reported that he or she is engaged in any outside employment, business, or undertaking that requires inspections or approvals by another employee, Council may:
 - (a) require any additional or alternative measures as may be deemed reasonable, be taken to ensure that the inspections or approvals are dealt with in a manner which is fair and impartial and shows no favouritism to the employee; or
 - (b) where it is not reasonably possible for Council to comply with subsection (a), take any of the remedial actions set out in section 7, or any other remedy or action that is just and appropriate in the circumstances.
2. Where an employee perceives that he or she is, or may potentially be, in a conflict with the principles set out in Part B, they shall disclose the conflict, or the potential conflict, in writing, along with all details relating to the conflict, or potential conflict, to:
 - (a) the Chief Administrative Officer, in the case of an employee; or

(b) the Council, in the case of the Chief Administrative Officer;

3. Any person who is of the opinion that an employee may have contravened this Code may file a complaint in writing with:
- (a) the Chief Administrative Officer; or
 - (b) the Council, where the employee is the Chief Administrative Officer.

Note: It is the expectation that any employee who is aware that another employee has contravened this code will file a complaint with the appropriate person noted above. Where a complaint is filed in good faith, the Chief Administrative Officer shall ensure that the person filing the complaint is not subject to reprisal, threat of reprisal, or discipline as a result of filing the complaint.

4. Where a disclosure of conflict or potential conflict is made under section 2, or a complaint is filed under section 3, the Chief Administrative Officer may require the employee to take such steps to withdraw from participation in the matter in which the potential or alleged conflict arises as may be reasonable in the circumstances, until it has been determined if an actual conflict exists.

5. Where a disclosure or complaint is received:

- (a) the Chief Administrative Officer shall:
 - (i) investigate the potential conflict,
 - (ii) determine whether or not there is an actual conflict, and
 - (iii) if an actual conflict is found, determine, in accordance with section 6, the appropriate remedial action to be taken;

6. Contraventions of this Code, including failure to disclose a conflict pursuant to this Code, may result in one or more of the following remedial actions being taken:

- (a) requiring the employee to terminate the outside employment, business or undertaking, or transfer assets into a blind trust;
- (b) accepting the resignation of the employee;
- (c) initiating disciplinary proceedings which may include dismissal except that where an employee is liable to disciplinary proceedings under this Code and some other City policy, rule or regulation for the same contravention, the City shall elect whether it will proceed under this Code or the other City policy, rule or regulation;
or
- (d) any other remedy or action that is just and appropriate in the circumstances.

7. Each contravention of this Code will be considered and dealt with on its own particular facts or circumstances.

8. Any remedial action taken pursuant to section 6 may be appealed:

- (a) where an employee is employed pursuant to a collective bargaining agreement, pursuant to the grievance/arbitration provisions of that collective bargaining agreement; or,
- (b) in the case of an employee who is not covered by a collective agreement, and who is not a statutory officer or a department head, to the Chief Administrative Officer or designate; or,
- (c) in the case of a statutory officer or department head, to Executive Policy Committee.

PART F. ADMINISTRATION OF THE CODE

1. The Chief Administrative Officer is responsible for
 - (a) implementing and administering the Code of Conduct; and,
 - (b) ensuring all employees are made aware of, and comply with, the Code of Conduct.

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.