

# City of Melfort Policy Manual

<i>POLICY TITLE:</i> <b>Code of Conduct</b>	<i>POLICY NUMBER:</i> <b>1.6.27</b>	<i>EFFECTIVE DATE:</i> <b>June 10, 2019</b>
<i>ORIGIN:</i> <b>Administration</b>	<i>ADOPTED BY COUNCIL ON:</i> <b>September 16, 2013</b>	<i>DATE AMENDED:</i> <b>June 10, 2019</b>

## 1. Purpose

The purpose of this document is to provide guidance to City employees on the conduct required by law or expected by them in the fulfillment of their duties. All employees shall be aware of, and adhere to, the standards of conduct outlined in the City of Melfort Code of Conduct, subject to the provisions of applicable collective agreements and all applicable legislation. This Code of Conduct is intended to:

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

## 2. Principles

City of Melfort 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 City of Melfort, in their dealings with persons doing or seeking to do business with the City of Melfort.

Employees must not engage in any conduct or activity that contravenes the City of Melfort's bylaws, policies and procedures or any law in force in Saskatchewan which might:

- detrimentally affect the City of Melfort'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 City of Melfort's ability to efficiently manage and direct its operations.

## 3. Duties

**City Council** shall:

- a) periodically review, and modify as necessary, the code of conduct policy to ensure it reflects the City's changing needs, realities and responsibilities;
- b) review, when requested by the City Manager, reported cases of violation of the code of conduct of the City of Melfort, and approve any resultant action as appropriate;
- c) ensure, with the assistance of the City of Manager, that all employees are made aware of and comply with the City's code of conduct.

**The City Manager shall:**

- a) implement, administer and promote the City's code of conduct;
- b) ensure that all management personnel are made aware of and comply with the City's code of conduct;
- c) ensure that Department Heads inform their department employees of and promote the ethical standards expressed within this policy;
- d) advise Council on desirable modifications to the code of conduct;
- e) investigate and review, in consultation with Council where deemed necessary, reported cases of violation of the City's code of conduct, and approve and/or administer any subsequent corrective action.

**Department Heads shall:**

- a) ensure all employees of the Department are aware of and comply with the City's code of conduct;
- b) report to the City Manager any possible violations of the code of conduct by departmental personnel and implement appropriate preventative or corrective action.
- c) advise the City Manager on desirable modifications to the code of conduct;

#### **4. General Responsibilities**

a) General Conduct

Employees are agents of the public and are employed for the benefit of the citizens. In that regard, they are to uphold and carry out the laws of the City, as well as applicable federal and provincial laws, so as to foster and enhance respect for government. As public servants, they are to observe in their official acts a high standard of ethics and to discharge faithfully the duties of their employment regardless of personal or financial considerations and interests. Their conduct in their employment should be above reproach at all times.

b) Dedicated Service

All employees of the City shall be loyal to the objectives established by City Council and the programs developed to attain those objectives. Employees should adhere to the rules of work and performance and ethical standards established as the standard for their positions by the appropriate authority. Employees shall not in their employment capacity, either privately or publicly, contradict or fail to present the official policy established by City Council or the City Manager.

Employees must not exceed their authority or breach the law or ask others to do so, and they shall work in full cooperation with other public officials and employees unless prohibited from doing so by law or by officially recognized confidentiality of their work.

#### **4. Fair and Equal Treatment**

a) Use of Public Property

No employee shall request or permit the use of City-owned vehicles, equipment, materials, supplies, services or property for personal convenience or profit, except when such services are available to the public generally or are provided as City policy for the use of such employee in the conduct of official business.

b) Obligation to Citizens

No employee shall grant any special consideration, treatment, or advantage to any citizen beyond that which is available to every other citizen.

## 5. Conflict of Interest

No employee shall engage in any business or transaction or have a financial or personal interest, direct or indirect, which is incompatible with the proper discharge of their official duties in the public interest or would tend to impair their independence of judgment or action in the performance of their official duties. Personal, as distinguished from financial, interest includes an interest arising from family or marriage relationships or close business or political association. Specific conflicts of interest are enumerated, as follows, for the guidance of employees:

- a) Incompatible Employment  
No employee shall engage in or accept private employment or render services for private interests when such employment or service is incompatible with the proper discharge of his or her official duties or may impair his or her independence of judgment or action in the performance of his or her official duties.
- b) Disclosure of Confidential Information  
Every employee must hold in strict confidence all information of a confidential nature acquired in the course of his or her employment with the City of Melfort. Confidential information means information that is not part of the public domain and information designated by Council as confidential, including, but not limited to, 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.
- c) Gifts and Favours  
Personal integrity and sound business practices require that relationships with vendors, contractors or others doing business with the City, be such that no employee can be accused of showing favoritism or bias toward the vendor, contractor or others. Consequently, employees are prohibited from accepting gifts with a value in excess of \$100.00 or favours from any vendor, contractor or others doing business with the municipality that would tend to influence them in the proper discharge of their official duties.
- d) Contracts with the City  
No employee of the City shall have any interest in any contract made by him or her in their official capacity, except that an employee of the City may contract with the City, or any agency thereof, for the sale and purchase of supplies, material or equipment or for the rental thereof or for the construction of public improvements if:
  - i) he or she is not authorized by law to participate on behalf of the City or any agent thereof, in the awarding of the contract; and,
  - ii) the contract is made upon a competitive bid in writing, publicly invited and publicly opened; and,
  - iii) all bids received and all documents pertaining to the award of the contract are available for public inspection in accordance with *The Cities Act*; and,
  - iv) he or she refrains from participating in any decisions made in relation to the contract.
- e) Disclosure of Private Interests  
All senior management staff shall furnish the City Clerk with a list of all private interests, as indicated on the "Disclosure of Private Interests by Municipal Employees" form attached as Schedule 'A', before entering the duties of his or her office and upon any change in information.
- f) Political Activity  
All employees shall refrain from direct involvement in a local government political campaign in the City where they are employed. Employees may be involved in provincial or federal campaigns as long as this involvement does not affect their objectivity with official job duties. Any employee of the City may seek nomination and election to the

Council, subject to compliance with the provisions of *The Local Government Election Act*, and *The Saskatchewan Employment Act*, provided that such employees are not otherwise disqualified by *The Local Government Election Act* from being nominated or elected, or to hold office as a member of the Council. No employee shall promise an appointment of any City position as a reward for any political activity.

- h) Representing Private Interests before a Municipal Agency  
No employee shall appear on behalf of private interests before any agency or court of the municipality without the consent of the City Manager. The employee shall not represent private interests in any action or proceeding against the interests of the municipality or in any litigation to which the municipality is a party to. Furthermore, no employee shall accept compensation or a retainer which is conditional upon the actions of a municipal agency.
- i) Insider Information  
No employees shall personally profit from any information gained in the course of fulfillment of their duties. Insider information may include, but it is not limited to, significant business developments, expansion or curtailment of operations, sale or purchase of City assets or other activity of significance.
- j) Use of Influence  
No employee shall 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.

## **6. Other Codes of Ethics and Rules of Conduct**

This code of conduct policy shall be in addition to any other codes of ethics or rules of conduct that may govern the conduct of City officials and employees.

Where any employee is required to be a member of a professional organization or association by the nature of his or her occupation and the employee is bound to observe the professional organization's or association's code of conduct or rules of conduct, a breach of such code of conduct shall also be considered a breach of this code of conduct policy.

## **7. Procedure for Breaches of this Code**

Employees who have reason to believe that this Code of Conduct Policy has been breached in any way are encouraged to bring their concerns to the City Manager. No adverse action shall be taken against any individual who, acting in good faith, brings forward such information. Retaliation against the complainant is strictly prohibited and will result in appropriate disciplinary action. This policy will not be used to bring fraudulent or malicious complaints against employees. Any complaint made in bad faith, if demonstrated as being such through convincing evidence, will result in disciplinary action being taken against the individual lodging the fraudulent or malicious complaint.

Employees are expected to comply with the Code of Conduct. Employees have a responsibility to request an interpretation of the Code from the City Manager 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 of Conduct, the employee must disclose the conflict or potential conflict in writing to:

- a) Their direct supervisor, in the case of any employee, who must immediately advise the City Manager; or
- b) Council or the Personnel Committee, in the case of the City Manager.

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.

## 9. Compliance

Violation of any provisions of this Code shall raise conscientious questions for the employee concerned. Violations may constitute a cause for suspension, removal from employment, or any other disciplinary action. Any reported incidence of violation of these rules shall be subject to investigation by the City Manager, who may refer the matter to the Council, or the Administrative Review Officer if deemed appropriate. Sanctions or any disciplinary action shall be decided upon investigation and shall depend on the specific circumstances of the case. Where applicable, sanctions may be applied using the corrective discipline procedure. The application of any sanctions and these rules and standards of conduct are subject to the provisions of all applicable employee collective bargaining agreements and related legislation, including *The Cities Act*, where such agreements and legislation relate to standards of conduct, performance, suspensions, dismissals or other disciplinary action.

**CITY OF MELFORT**  
**Employee Code of Conduct Schedule 'A'**  
**DISCLOSURE OF PRIVATE INTERESTS BY MUNICIPAL EMPLOYEES**

**Name:** \_\_\_\_\_

**Address:** \_\_\_\_\_

**Definitions:**

1. **“controlling interest”** means an interest that a person has in a corporation if the person beneficially owns, directly or indirectly, or exercises control or direction over shares of the corporation carrying more than 25 per cent of the voting rights attached to all issued shares of the corporation.
2. **“council, council committee, controlled corporation, or other body”** includes any committee or subcommittee of a committee, and any board, agency or commission, appeal board, or other body, on which a member of council serves in his or her capacity as a member of council.
3. **“family”** means the spouse and dependent children of a member of council. It does not include siblings, parents, or grandparents.
4. **“private interest”** is involvement in a business or personal matter where your participation on council in a municipal decision may be seen as influencing or benefitting from the outcome. It does not include interest in a decision that is of general public application or that affects a person as one of a broad class of persons.
5. **“senior officer”** means the chairperson or vice-chairperson of the board of directors, the president, any vice-president, the secretary, the treasurer or the general manager of a corporation or any other person who performs functions for the corporation similar to those normally performed by a person occupying any of those offices.

**Disclosure of Employer, Sources of Remuneration**

The name of every employer, person, corporation, organization, association or other body from which I or someone in my family receives remuneration for services performed as an employee, director, manager, operator, contractor or agent.

Employee Name or Name of Family Member	Payee	Nature of Relationship

**Disclosure of Corporate Interests**

The name of each corporation in which I or someone in my family has a controlling interest, or of which I or someone in my family is a director or a senior officer:

Employee Name or Name of Family Member	Name of Corporation

**Disclosure of Partnerships**

The name of each partnership or firm of which I or someone in my family is a member.

Employee Name or Name of Family Member	Name of Partnership or Firm

**Disclosure of Business Arrangements**

The name of any corporation, enterprise, firm, partnership, organization, association or body that I or someone in my family directs, manages, operates or is otherwise involved in that:

- (a) transacts business with the City;
- (b) the council considers appropriate or necessary to disclose<sup>1</sup>; or
- (c) is prescribed.

Employee Name or Name of Family Member	Name of Corporation, Enterprise, Firm, Partnership, Organization, Association, or Body

**Disclosure of Property Holdings**

The municipal address or legal description of any property located in the City of Melfort or an adjoining municipality that is owned by:

- (a) me or someone in my family; or
- (b) a corporation, incorporated or continued pursuant to *The Business Corporations Act* or the *Canada Corporations Act*, of which I or someone in my family is a director or senior officer or in which I or someone in my family has a controlling interest.

Owner(s)	Municipal Address or Legal Description	Municipality

**Disclosure of Contracts and Agreements**

The general nature and any material details of any contract or agreement involving me or someone in my family that could reasonably be perceived to be affected by a decision, recommendation, or action of the Council and to affect my impartiality in the exercise of my office.

Employee Name or Name of Family Member	General Nature and Any Material Details of Any Contract or Agreement

**DECLARATION**

I, \_\_\_\_\_, of the City of Melfort, in the Province of Saskatchewan, do hereby declare that to the best of my knowledge, information and belief, the statements and allegations contained and made in this form are true and complete, and I make this declaration for the purposes of official registration, in the full knowledge that it will be available for public examination.

Declared before me at the City of Melfort in )  
the Province of Saskatchewan, this \_\_\_\_\_ )  
day of \_\_\_\_\_, 20\_\_\_\_. )

\_\_\_\_\_  
Signature of Declarant

\_\_\_\_\_  
A Notary Public or Commissioner for  
Oaths for the Province of Saskatchewan

Date Received: \_\_\_\_\_

My appointment expires \_\_\_\_\_, 20\_\_\_\_

<sup>1</sup> Described in a municipal policy or bylaw