

County of Essex Policy Manual

Employee Code of Conduct

Policy Number:	93-001
Approved by:	County Council
Department:	All Departments
Date Approved:	2008-03-19
Effective Date:	2008-03-19
Last Revision Date:	1993-07-02
	(housekeeping change 2019-10-17 RE ref to procurement by-law)

1.0 Introduction

- 1.1 The Corporation of the County of Essex (subsequently referred to as the "Corporation") is a proud organization offering a wide range of essential services to its residents. As such, our workforce includes many individuals with the diverse backgrounds, skills and education required to provide quality services.
- 1.2 The Corporation is proud of its organization and the services it delivers to the citizens of Essex County. It recognizes that it is only through the commitment and effort of each employee in its workforce that the excellent quality of these services is achieved and public trust is maintained in this level of government. As its most valuable and important asset, municipal employees therefore are expected to demonstrate the highest standards of ethical behaviour, they must be above suspicion and beyond reproach and must be perceived in this manner at all times.
- 1.3 This Code clarifies the Corporation's expectations of its employees, and re-affirms our commitment to caring for our community's needs and maintaining fiscal responsibility on behalf of the public and our employees. It provides a guide for consistent behaviour in delivering services. In short, this Code is simply a formal statement of the policies and principles of conduct the Corporation has always

Employee Code of Conduct

Policy Number: 93-001

embraced. Contravention of this Code is a serious matter to the Corporation and the public, and will be treated as such.

- 1.4 Public service is a public trust, and as an organization entrusted with public funds, it is critical that every municipal employee be committed to the highest standards of ethical behaviour. It is in this spirit that this Code of Conduct exists.

2.0 Employee Responsibility

- 2.1 All municipal employees must perform their duties in a manner that maintains and enhances public confidence and trust in the integrity, objectivity and impartiality of the Corporation. Trust and mutual respect are the cornerstones of any relationship between the public and its government. Furthermore, as an organization entrusted with public funds, the Corporation is obligated to ensure the protection and appropriate use of all its resources and assets.
- 2.2 All employees are expected to be aware of, and comply with, this Employee Code of Conduct (the "Code") and its related policies.
- 2.3 All employees will be required to sign a form acknowledging that they have received, read, understood and accepted the terms of this policy and other policies referenced in this policy

3.0 Principles of Conduct

- 3.1 An employee shall not:
- 1) engage in any business or transaction or have a financial or other personal interest that is incompatible with the discharge of the employee's official duties,
 - 2) be under an obligation to any person who might benefit from special consideration or favour from the employee or who might seek, in any way, preferential treatment,
 - 3) give, in the performance of official duties, preferential treatment to relatives themselves or friends or to organizations in which relatives or friends have an interest, financial or otherwise,

Employee Code of Conduct

Policy Number: 93-001

- 4) be in a position where the employee could derive any direct or indirect benefit or interest from any contracts about which the employee can influence decisions,
- 5) benefit from the use of information acquired during the course of official duties that is not generally available to the public,
- 6) engage in any outside work or activity or business undertaking:
 - that interferes with the employee's duties;
 - in which the employee has an advantage or appears to have an advantage derived from employment at the Corporation;
 - in a professional capacity that will or might appear to influence or affect the carrying out of duties as a municipal employee; or
 - use municipal property, equipment, supplies or services for activities not associated with the discharge of official duties.

4.0 Disclosure

- 4.1 This Code applies to all employees of the County of Essex. As such each employee is required to be knowledgeable about the Code, all related municipal policies, regulations, government guidelines and internal procedures applicable to their jobs. Each is required to address any situations of actual or potential non-compliance. For example, when an employee believes that they may be in breach of the Code, then that employee must make prompt and full disclosure to their immediate supervisor and/or Department Head. This disclosure should include a detailed description of the actual or potential breach. Any written disclosure of any incident will be co-signed by the employee and the supervisor or Department Head who will ensure appropriate follow up in accordance with this policy.
- 4.2 An actual or potential breach may arise without any intentional wrongdoing or improper conduct on the part of the employee. In

Employee Code of Conduct

Policy Number: 93-001

those circumstances, employees will not be disciplined or treated adversely for making prompt and full disclosure. However, all employees are expected to make every effort to avoid such circumstances.

- 4.3 Employees are to use sound judgment and apply the Code in a proactive fashion in order to maintain the public's trust in the Corporation's objectivity and integrity. An employee failing to disclose an actual or potential breach of the Code may be subject to discipline.

5.0 Reporting Allegations

- 5.1 In addition to the self-disclosure obligation, any employee that becomes aware of suspected fraud, breach of trust or other wrongdoing by another employee should report this to their Department Head or the Chief Administrative Officer. Confidentiality of such information will be protected unless there are associated legal responsibilities.
- 5.2 All employees must co-operate fully during an investigation of suspected wrongdoing in relation to any activities outlined in this Code. Retaliation against someone who is a witness or is involved in such investigations is prohibited.
- 5.3 When in doubt about the interpretation or application of this Code, clarification should be sought from the Chief Administrative Officer.

6.0 Whistle Blowing

- 6.1 Employees that raise concerns will be protected in accordance with Whistle Blower legislation.

7.0 Employee Behaviour

- 7.1 Employees interact with clients in receipt of municipal services or programs, community agencies, contractors, suppliers, and the general public on a daily basis. Employees are expected to perform their duties with integrity, objectivity, courtesy, impartiality and to conduct themselves at all times in a manner that respects others and their rights. Employees will acknowledge and recognize the

Employee Code of Conduct

Policy Number: 93-001

dignity and worth of every resident they serve and person with whom they work.

7.2 The Corporation's employees are its ambassadors and are expected to reflect a positive image at all times. Thus, each employee must be conscious of the Corporation's public duty and their part in the discharge of that duty. They are expected to conduct themselves with the highest degree of moral, ethical behaviour and integrity.

7.3 As with such external relations, employees must also be professional and courteous with their co-workers. They should be aware that improper behaviour in the workplace has a negative effect on others and the public. Examples include excessive noise, inappropriate office decorations, potentially offensive pictures and jokes, profanity and demonstrating little or no respect for other's personal belongings. Employees are expected to be reasonable and fair in their expectations of each other and resolve any conflict in a mature and professional manner.

8.0 Related Obligations (Professional Associations)

8.1 Nothing in this Code is intended to conflict with the Corporation's obligations to its employees under its various collective agreements, corporate policies, or employment contracts. As well as this Code, many employees may also be subject to other rules of conduct as part of their professional affiliations. These employees, including Administrators, accountants, lawyers, planners and engineers, should review those expectations with their respective professional associations.

9.0 Violation of Code of Conduct

9.1 The Code's references to guidelines and policies, as well as related expectations, re-affirms the Corporation's commitment to integrity, objectivity and professionalism in delivering services to the public. Maintaining citizens' confidence and trust in municipal government and its employees is of the utmost importance. The high standards of conduct expressed in this document are intended to ensure that this public trust is not compromised.

Employee Code of Conduct

Policy Number: 93-001

- 9.2 Every employee is expected to be aware of, and act in compliance with, this Code and its related policies. Violation of these principles is a serious matter and will be dealt with as such by the Corporation. Any employee, who has contravened these requirements, including the "reporting allegations" obligation to report any knowledge of wrongdoing, shall be subject to appropriate disciplinary action (up to and including dismissal). Any employee under investigation may be suspended with or without pay or be re-assigned to other duties pending completion of the investigation, depending on the particulars of the case and the best interests of the Corporation.
- 9.3 Nothing in this section negates the rights of any employee to representation, legal and/or union.

10.0 Management Responsibility

- 10.1 As part of effective management, each Department must ensure that its employees are aware of, and act in compliance with this Code and its related policies.
- 10.2 The management of the Corporation is accountable for protecting the assets of, and the public trust in, the Corporation. Toward this end, management must make every effort to establish and maintain adequate systems, procedures and controls to prevent and detect fraud, theft, breach of trust, conflict of interest, bias and any other form of wrongdoing.
- 10.3 Upon receiving disclosure of an actual or potential breach of the Code, the Department Head or Chief Administrative Officer shall either determine that no breach exists or take reasonable steps to ensure that the matter is addressed in the appropriate manner. This may include seeking a written legal opinion.
- 10.4 Prior to taking action on a suspected incident of wrongdoing, management will seek the advice of the Chief Administrative Officer and the Warden. This consultation will protect the Corporation's legal interests in potential subsequent disciplinary actions, protect the rights of those employees involved, and prevent further losses or damage to the Corporation.
- 10.5 It is the responsibility of management to ensure that each incident of suspected wrongdoing is investigated. If a violation of this Code

Employee Code of Conduct

Policy Number: 93-001

or any related policy is confirmed, the Corporation will deal firmly and fairly with all its employees.

11.0 Harassment

(Reference Policy 92-001 Employee Harassment in the Workplace)

12.0 Alcohol and Drug Use

(Reference Policy 07-001 Drug and Alcohol Policy)

13.0 Use of Municipal Property and Assets

- 13.1 Employees shall not make unauthorized use, or use outside a sanctioned municipal initiative of any property, assets or other resources of the Corporation for any personal reasons. In addition, employees must ensure that any property (including cash, cheques, documents, inventories and equipment) in their care as part of their job duties is properly secured and protected at all times. This responsibility extends to the use and security of any corporate credit or access code cards.
- 13.2 Employees shall only use the Corporation's property for activities associated with the discharge of their duties, unless proper authorization has been granted. Facilities such as internet access, electronic mail, telephone, voice mail, internal mail and bulletin boards are provided solely for municipal business and sponsored activities, and must be restricted accordingly, unless another use is approved by management. Employees using the internet in their jobs are prohibited from performing any unacceptable or unlawful activities on the Corporation's electronic network. (Reference Policy 01-001 Information Technology Use) By way of example, this would include accessing pornographic or hate propaganda websites.
- 13.3 No employee shall sell, transfer, or in any way authorize the use of any intellectual property, including copyrighted works, patented inventions or processes, and trademarks, belonging to the Corporation, without express authority.

Employee Code of Conduct

Policy Number: 93-001

- 13.4 The intellectual property rights in any work produced by an employee in the course of employment at the Corporation are the exclusive property of the Corporation.
- 13.5 Upon termination of employment, employees will deliver to the Corporation all drawings, correspondence, documents and all other property/equipment belonging to the Corporation, which may be in the employee's possession or control. This includes property made or prepared by the employee and relating in any way to the affairs of the Corporation. With permission, employees may retain samples of their work if such work was in the public domain.

14.0 Security of Municipal Information

- 14.1 It is every employee's responsibility to ensure that all information collected, produced or obtained in the course of their duties, whether in reports, memos, oral communication or electronic format, is as accurate as possible. No employee shall willfully mislead other employees, Councilors or the public, about any issue of municipal concern.
- 14.2 Only with legislated authority will employees give or release to anyone, confidential information acquired in the course of that person's duties with the Corporation.
- 14.3 The following information must not be used or disclosed, except in accordance with the Municipal Freedom of Information and Protection of Privacy Act ("MFIPPA"):
- a) information which is personal,
 - b) information that constitutes the proprietary information of a third party, individual or group,
 - c) might reasonably be regarded as having been disclosed to the employee in confidence,
 - d) is of a sensitive nature, or
 - e) Imparts to the person in possession of such information an advantage not available to the public generally.

Employee Code of Conduct

Policy Number: 93-001

- 14.4 Staff should consult with the Chief Administrative Officer and the Warden if clarification is required.
- 14.5 No employee shall benefit, either directly or indirectly, from the use of information acquired during the course of official duties that is not generally available to the public.

15.0 Protection of Information

- 15.1 Confidential municipal records are available to employees on a "need to know" basis, and the security of such information must be maintained.
- 15.2 All commercial, financial or technical information belonging to the Corporation, supplied to the Corporation by a third party, or information that has a monetary value to the Corporation, should only be released when to do so would be in the best interest of the Corporation and in compliance with the relevant legislation.
- 15.3 Personal information controlled by the Corporation must be used or disclosed in compliance with the MFIPPA. The MFIPPA allows employees to use personal information if they require that information to carry out their duties, and if the affected individual reasonably expects that their personal information would be used this way. When an employee proposes to disclose someone's personal information, the written consent of the affected individual is generally required. The Chief Administrative Officer should be consulted when it is not possible to obtain the individual's consent or for any details concerning consent requirements.
- 15.4 Employees must protect the following examples of information regarding the Corporation and others from illegal, unauthorized or inadvertent use and disclosure:
- client records,
 - information contained in business strategies and plans,
 - pending proposals or contracts,
 - estimates prior to tender openings,
 - unannounced services,

Employee Code of Conduct

Policy Number: 93-001

- research results,
- financial data and projections,
- proposed acquisitions and divestitures,
- computer programs and software,
- professional expertise, or
- inventions.

15.5 These guidelines extend beyond an employee's current relationship with the Corporation. For example, employees should not divulge to the Corporation any confidential information obtained from their former employer. Similarly, when an employee leaves the employment of the Corporation, they are not to disclose information that could be detrimental to the Corporation, individual or firm owning the information.

16.0 Media and Public Relations

16.1 Communications with the media and public will be conducted so that all information originates from an authoritative source within the Corporation. The official spokespersons for the Corporation include the Warden, the Chief Administrative Officer and the Department Heads, or designate. Prior approval for any media comments or public relations activities should be sought from these people.

16.2 It is not the intent of this Code to restrict the ability of employees to express a personal opinion on matters of general interest. In such cases, the employee must make it clear that the comment is being made in their capacity as a private citizen, and not as a representative of the Corporation.

16.3 Similarly, the employee must use caution to ensure that the Corporation's interests are not compromised in any way, either by the use of municipal letterhead, email addresses or by any other implication.

Employee Code of Conduct

Policy Number: 93-001

17.0 Conflict Of Interest

- 17.1 A conflict of interest occurs when, in the course of an employee's duties, the employee is called upon to deal with a matter in which the employee has a direct or indirect personal and/or financial interest.
- 17.2 A direct interest can occur when an employee may derive, or be seen to derive, some financial or personal benefit or avoid financial or personal loss. An indirect interest may arise when the potential benefit or loss would be experienced by another person or corporation having a relationship with the employee. These benefits, losses, interests and relationships are generally financial in nature but are not limited to such. In other words, a conflict arises when an employee participates in activities, which could advance a personal interest at the expense of the Corporation's interests. Any behaviour, which is, or could be perceived as, a conflict is prohibited and subject to disciplinary action.
- 17.3 Some of the more common areas of potential conflicts include the following:
- An employee may not make a personal bid on the sale of municipal property or goods, except those disposed of at public auction or of a nominal value.
 - The choice of suppliers of goods and services to the Corporation must be based on competitive considerations of quality, price, service and benefit to the Corporation, and must comply with its policies. Contracts will be awarded in a fair and legal manner and are subject to the County's current Procurement Policy and By-law. Use of one's position or knowledge to influence this process for direct or indirect personal gain is prohibited. Employees must not represent themselves as being in a position to commit the Corporation to the purchase of goods or services except in accordance with relevant policies and practices, and within the recognized authority of their position.
 - Employees or family members living within their household should not sell goods, materials or services to the Corporation. An exception may be made with the approval

Employee Code of Conduct

Policy Number: 93-001

of the CAO to secure services from an employee outside the regular hours of employment on a fee for service basis, provided the opportunity is made available on an equal basis to other persons in accordance with the County's current Procurement Policy and By-law.

- When it is necessary to engage the services of an individual or firm to consult for, or otherwise represent the Corporation, special consideration must be given to avoid conflicts of interest between the Corporation and the person or firm to be employed. Hiring of such agents must be done in accordance with the County's current Procurement Policy and By-law.
- Any employee that believes they are in breach of these provisions must comply with the disclosure requirements of the Code.
- Any employee who is aware of someone else who is in breach of these provisions shall comply with the disclosure requirements of the Code
- Any doubt whether an employee is in conflict of interest should be addressed by a note in writing by the employee to his or her immediate supervisor or Department Head seeking direction on the matter.

18.0 Gifts and Entertainment

18.1 Employees must make workplace decisions based on an impartial and objective assessment of each situation, free from the influence of gifts, favours, hospitality or entertainment. The Corporation must avoid both the reality and the appearance of impropriety with the organizations or individuals with whom it deals.

18.2 Therefore, employees shall neither offer nor accept any gifts, favours, hospitality or entertainment that could reasonably be construed as being given in anticipation of future, or recognition of past, "special consideration" by the Corporation. The public's perception of the integrity of the Corporation and its employees is of great importance. We must bear in mind that what an individual

Employee Code of Conduct

Policy Number: 93-001

employee feels is an appropriate gift in certain circumstances may not be viewed in the same light by the taxpayers or the media.

18.3 Gifts and entertainment may, on rare occasions, be given to others at the Corporation's expense only if they are consistent with accepted business practices. As a general rule, the acceptance of even customary business amenities should be avoided. However, it is recognized that this type of hospitality may be acceptable within strict limits as a part of some reciprocal business relationships or to develop a network which is of benefit to the Corporation. An employee may pay for or accept customary business hospitality, such as meals, provided:

- the expenses involved are at a reasonable level,
- they are infrequent,
- they can clearly be seen as legitimately serving a definite business purpose, and
- they are appropriately related to the responsibilities of the individual.

18.4 By way of example, promotional items of nominal value (e.g. mugs, hats, shirts, pens) are considered acceptable.

18.5 Similarly, employees who are asked to speak publicly to an organization or professional association may accept a small honorarium or gift provided it is reasonable under all of the circumstances. In cases where employees are asked to speak or make presentations to share information with colleagues, it may also be permissible to accept the offer of travel and/or accommodations. The employee should, however, consult with his/her Department Head before accepting any offers. Employees may not accept travel, accommodations or other forms of hospitality when speaking at conferences or business functions where the purpose of the event is to solicit business from the Corporation or other consumers.

18.6 Employees should protect their integrity and prevent the appearance of a bias or conflict of interest by refusing all other forms of gifts. Repeated offers of gifts by outside persons or firms should be reported to management.

Employee Code of Conduct

Policy Number: 93-001

18.7 The responsibility to avoid actual or perceived conflicts of interest rests with each employee. However, guidance should be sought in writing from your Department Head or the Chief Administrative Officer.

19.0 Political and Community Activity

19.1 To ensure public trust in the Corporation, employees must be, and appear to be, both personally impartial and free of undue political influence in the exercise of their official duties.

19.2 No full-time or part-time permanent municipal employee shall be appointed to serve on a Board or Commission of the Corporation. Should a member of such body subsequently be employed by the Corporation in a permanent capacity, they should be deemed to have resigned their position from such Board or Committee. The policy would not apply to part-time or term employees employed for six months or less.

19.3 The Corporation encourages employees to take part in community activities. However, it is important to bear in mind that such service may, at times, place the employee in a real or perceived conflict of interest situation. As a member of a community board or external committee, the employee must continually assess their involvement and expected decision-making responsibilities in light of their employment with the Corporation. It may be necessary for employees to resign from a board or committee if that body has a direct role with the Corporation. To ensure the existence and appearance of objectivity, employees should abstain from involvement in those decisions or votes that would create, or be seen to create, a conflict of interest. An employee must notify their Department Head or the Chief Administrative Officer of such potential or actual conflict of interest situations.

19.4 Similarly, employees engaged in political activities must take care to separate those personal activities from their official positions. Employees may participate in political activities at the federal, provincial, municipal levels providing such activity does not take place during work hours or utilize municipal assets, resources or property. Notices, posters or similar material in support of a particular candidate or political party are not to be displayed or

Employee Code of Conduct

Policy Number: 93-001

distributed by employees on municipal worksites or on municipal property.

20.0 Family/Personal Relationships (Nepotism)

(Reference Policy 04-003 Hiring and Employment of Family Members, And Policy 06-001 Student Hiring)

20.1 Personal Relationships

- 1) A related concern surrounds the personal relationships between employees and friends that are in receipt of municipal services, especially those persons that may be seen to be vulnerable clients. The Corporation currently prohibits any employee from giving “preferential treatment to relatives or friends, or to organizations in which relatives or friends have an interest, financial or otherwise”.
- 2) The integrity of the Corporation as an objective and impartial public service provider may be jeopardized when an employee’s personal relationship with a client appears to be the reason that the person is in receipt of the municipal service or program. Should any of these types of personal relationships arise, the employee involved is required to disclose this perceived conflict of interest in writing to their manager, who will then address the matter accordingly.

21.0 Outside Business Activity/Employment (Moonlighting)

21.1 An employee must ensure that “moonlighting” at an external job does not negatively impact on their effectiveness at the Corporation, nor contravene any of its related policies and procedures. Employees considering or already engaged in outside employment activity must comply with the following guidelines:

- 1) the outside job/activity must not conflict with their hours of work with the Corporation,
- 2) outside jobs/activities must not interfere with the efficient performance of their duties with the Corporation,

Employee Code of Conduct

Policy Number: 93-001

- 3) employee's external business activities must not compete with the Corporation's services,
 - 4) employees shall not use the Corporation's time or resources, such as photocopiers, stationery, computers, e-mail, internet, printers, vehicles, cellular phones, pagers or such, for the benefit of their second job or external activities.
 - 5) employees shall not engage in any business activity or have a financial or other personal interest that is incompatible with the employee's official duties.
 - 6) full-time employees are prohibited from obtaining part-time positions with the Corporation.
- 21.2 Employees must act in the best interests of the Corporation and the taxpayer. Responsibility to avoid actual or perceived conflicts of interest lies with the individual employee. Employees shall disclose in writing all such "moonlighting" situations with their Department Head, who in turn, shall immediately inform the Chief Administrative Officer in order to receive written approval for the outside activity and to ensure compliance with the Code and its related policies.

22.0 Fraud/Theft

- 22.1 In general, fraud is an act committed which, through deceit, falsehood or other such behaviour, either deprives the Corporation of its assets, property or other resources (this includes theft), or causes the Corporation to act to its own detriment or prejudice.
- 22.2 Fraud may include acts committed with the intent to deceive, involving either misappropriation of municipal assets, property or other resources or misrepresentations of financial or other information to conceal such misappropriation, by such means as:
- 1) manipulation, falsification or alteration of records or documents,
 - 2) suppression of information, transactions or documents,
 - 3) recording of transactions without substance, or

Employee Code of Conduct

Policy Number: 93-001

- 4) misapplication of accounting principles.
- 22.3 All employees shall work in accordance with both the municipal controls established to prevent fraudulent misconduct and all applicable laws, regulations and government guidelines. All employees shall exercise honesty, integrity, objectivity and diligence and shall not knowingly be a party to any fraudulent activity, including theft. Each employee is obligated to report any knowledge or suspicion of fraud to their supervisor, Department Head or the Chief Administrative Officer.
- 22.4 All Department Heads are responsible for ensuring that adequate internal controls are in place to prevent and detect fraud. Management is accountable for monitoring employee activity and performance and ensuring all employees are aware of, and in compliance with, controls, policies and procedures.
- 22.5 The appropriate management staff will be responsible for conducting any investigations into incidents of suspected fraud or other alleged criminal activity.

23.0 Council's Expectations of Staff In Support Of Council

- 23.1 While it is understood that elected representatives do not have an administrative managerial role in the day to day business of the organization, with the exception of the Warden, as defined under the Municipal Act., Council expects senior staff to:
- To provide timely reports to Council outlining factors that will assist in their decision making process, research policy issues as required, provide sufficient information based upon analysis and best professional expertise and judgment. Timely information ensures that Council Members are provided information early enough to allow for review and consultation. Timeliness also ensures that deadlines and commitments requiring adjustment are communicated to Council before vs. after the fact.
 - To implement Council's decisions
 - To manage and identify the means for achieving corporate goals and outcomes.

Employee Code of Conduct

Policy Number: 93-001

- To provide appropriate follow-up to Council inquiries, to keep members of Council up to date and informed, to be open to discussion, and to ask when clarification is needed
- To not have a political role
- To act with integrity and be honest in their dealings with Members of Council, Officers of the Corporation, other County employees, clients and the public. No employee shall withhold information from (save and except applicable information protected under laws and regulations), or willfully mislead Members of Council, officers, employees, clients, or the public about any issue of corporate concern.