

POLICY TITLE	Code of Conduct for Employees
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POLICY STATEMENT

The Corporation of the City of Cambridge, hereby referred to as “the City”, is committed to the principles of openness, ethical behavior and accountability in conducting its business affairs and maintaining public trust.

To safeguard the public’s trust, employees must demonstrate the highest standards of ethical behavior, integrity, honesty, accountability and professionalism in compliance with this Code and in the course of their work. The City strives to protect public trust by providing for the disclosure of any wrongdoing regarding business-related concerns in ensuring and protecting the City’s reputation consistent with the City’s core values.

PURPOSE

The City of Cambridge’s work is diverse, multi-faceted and complex. Consequently, City employees must be independent, impartial and responsible to the public in carrying out their duties. By reading and signing the Code of Conduct for Employees, employees acknowledge and accept responsibility to act and behave in a manner that is consistent with the expectations prescribed in this Policy. Employees collectively benefit from an overall atmosphere of high ethical conduct that flows from this commitment.

While it is not possible to cover every possible situation that might arise, this Policy and the related Procedures outline the City’s expectations regarding acceptable conduct for employees and the best interests of the City of Cambridge.

DEFINITIONS

“Fraud” Fraud includes any array of acts characterized by intentional deception. Dishonest, illegal or fraudulent activities include, but are not limited to:

- Forgery or alteration of documents (cheques, promissory notes, time sheets, independent contractor agreements, purchase orders, etc.);
- Misrepresentation of information by an individual;
- Misrepresentation of information on documents;
- Misappropriation of funds, securities, supplies or any other asset;
- Tampering with City systems, programs, or devices for the purpose of misrepresenting information;
- Unauthorized use, disappearance, or destruction of City property, equipment, materials or records;
- Improprieties in the handling or reporting of monetary transactions;
- Authorization or receipt of payments for goods not received or services not performed;
- Authorization or receipt of payment for hours not worked;
- Any inappropriate expense claim made, which is unrelated to City business or the employee’s job responsibilities; and
- Any apparent violation of Federal, Provincial or local laws.

“Conflict of Interest” any situation in which an employee or member of his or her family has a direct or indirect personal or financial interest such that they could influence a decision made by the City for personal or financial gain or when their personal or financial interests may affect the performance of their job duties and/or adversely affect the reputation of the City of Cambridge as a public authority in the community. A conflict exists even if no unethical or improper act results from it. A conflict of interest can either be an apparent conflict, or a real conflict.

“Apparent conflict” exists where an informed and reasonable person reviewing the matter and having thought the matter through could conclude that a conflict of interest exists.

“Real conflict” exists where a personal interest exists, and that interest is known to the employee and has a connection to the employee’s duties that is sufficient to influence the exercise of those duties.

“Confidential information” includes but is not limited to information that is not public knowledge, information in the possession of the City that the City is either prohibited from disclosing, is required to refuse to disclose or exercises its discretion to refuse under the *Municipal Freedom of Information and Protection of Privacy Act*, *Personal Health Information Protection Act*, or other legislation, and information concerning matters that are considered an in-camera meeting under section 239 of the *Municipal Act*, 2001.

“Business gifts and benefits” any gift, payment, favour or any form of entertainment from a business associate offered to an employee and/or accepted by an employee.

“Illicit drugs” refers to any drug or substance which is not legally obtainable by the employee and whose use, sale, or possession is restricted or prohibited by Canadian law. This definition includes, but is not limited to, cocaine, heroin, amphetamines, hallucinogens, other stimulants, or any prescription drug that was not lawfully prescribed to the employee.

“Drugs” refers to a medicine or other substance which has a physiological effect when ingested or otherwise introduced into the body, including but not limited to, marijuana.

“Ethical misconduct” business-related wrongdoings including but not limited to any criminal, fraudulent, illegal or dishonest activity and constitutes a breach of trust.

“Anonymous Reporting” the identity of the person reporting the business-related concern is kept confidential by reporting the concern to a third party. The identity of the person reporting is not disclosed to the City without the permission of the individual.

“Reprisal” any form of harassment, intimidation, dismissal, suspension, demotion, discipline or threat of dismissal, suspension, demotion or discipline directed at a staff member who, in good faith, raises a concern of wrongdoing.

AUTHORITY

The Policy operates under Corporate Authority.

SCOPE

This policy applies to all City employees, including but not limited to regular, temporary and contract employees, students and interns (collectively called “Employees”).

This policy is intended to supplement any other requirements imposed by applicable legislation, standards of professional practice, support for existing policies/procedures or any other requirements imposed by relevant City entities or departments.

POLICY

1) Employee Conduct

Personal Conduct

Employees shall, in the course of their duties, uphold the laws of the City, of Ontario and of Canada, and shall not, without just cause, be a party to their breach, evasion or subversion.

Employees shall ensure that their conduct, whether in a personal or official capacity does not bring the City into disrepute, or damage public confidence in the City. Employees shall ensure that their personal conduct within the workplace and elsewhere does not adversely affect:

- Their ability to perform their official duties;
- The ability of other employees to perform their duties; or,
- Public confidence in an official's functions, or organization or in the integrity of the public sector.

Dealing with the Public

Employees shall treat the public with diplomacy, tact, and objectivity and shall recognize that such contacts affect the City's public image. Employees will do everything within their role and responsibilities to assist members of the public to resolve any concerns brought forward to the municipality and be mindful of customer service practices such as the Accessible Customer Service Policy.

Any employee complaints that arise from the media and/or public will be dealt with through the Public Complaints Resolution Guideline.

Employee Wrongdoing

Employee misconduct in terms of business-related wrongdoings will not be tolerated and may be subject to disciplinary action, up to and including termination. Employee misconduct includes but is not limited to the following:

- Theft, embezzlement or misappropriation of funds, good and supplies, resources and other assets;
- Fraud;
- Misuse or abuse of authority in the context of purchasing supplies or services;
- The use of city money, property, resources or authority for personal gain or other non-city business related purposes except as provided under City Policy or approval;
- Conflict of interest (when personal interest influences the objective exercise of one's duties);
- Breach of confidentiality;
- Showing undue favour to a contractor or supplier of good/services;
- Breach of or failure to implement or comply with City Policies or Procedures;
- Illegally obtaining money including solicitation and/or acceptance of bribes; or
- Intentionally providing false or incomplete information including falsification of records.

2) Conflict of Interest

Consistent with the Employee Conflict of Interest Policy, staff members should avoid activities or circumstances that create conflicts between their personal

interests and their responsibilities as employees. Employees should avoid situations where their personal interests or the perception that their personal interests could influence any decisions they make on behalf of the City. Any employee obligation, interest or participation, which would or could interfere with the best interests of the City or the employee's independent exercise of judgment on behalf of the City, constitutes conflict of interest.

A conflict of interest includes the following without limitation:

- a) Engaging in any business or transaction or having financial or other personal interest which is incompatible with the discharge of an employee's official duties;
- b) Any activities which adversely interfere or conflict with an employee's regular duties at the City;
- c) The use of City equipment, tools, materials, property or information in any form whatsoever, in the pursuit of supplementary employment including self-employment or personal benefit;
- d) Any activities, representations or conduct outside of the course of employment which could appear to be official acts of the City of Cambridge or could appear to represent the opinion or Policy of the City; and/or
- e) The purchase of goods or services from any City employees or any business entity on behalf of the City, with the exception of publicly traded companies, in which the employee has a direct or indirect financial interest or over which the employee exercises control or direction.

Direct Personal Interest

A direct personal interest is a non-work-related interest through which the employee may derive an economic benefit or avoid an economic loss. No goods and/or services shall be purchased from an employee on behalf of the City, unless approved by the City Manager or Deputy City Manager up to an annual amount of \$500.00.

Indirect Personal Interest

An indirect personal interest arises where a potential economic benefit or avoidance of economic loss would be experienced by another person or corporation having a financial relationship with the employee.

This may include, but is not limited to, ownership of shares or other securities, or the loan of money or property by, or to, the employee. An indirect personal interest also occurs when a potential benefit or avoidance of loss would be experienced by a person who is a relative or spouse of the employee, or based on the facts of the particular case, the employee could reasonably be considered to have a personal interest in the economic well-being of that other person.

Disclosure

Disclosure includes a description of the nature of the direct or indirect personal interest and the identity of any person(s) or corporation(s) in respect of which there is a personal interest.

Employees should disclose any obligation, interest or participation that would constitute a conflict of interest to their Director, Deputy City Manager or the City Manager. If employees are unclear about whether the obligation, interest or participation could constitute a conflict of interest, they should consult with their Director, Deputy City Manager or City Manager.

In relation to this policy, employees shall make prompt and full disclosure in hard copy to their manager. In the case of Directors or above, prompt and full disclosure will be made in hard copy to their Deputy City Manager or City Manager.

A conflict of interest will often arise without any wrongdoing or improper conduct on the part of the employee. Therefore, employees will not be disciplined for making prompt and full disclosure of the circumstances.

An employee is not required to declare a conflict of interest where the interest of the employee is so remote or insignificant in its nature that it cannot reasonably be regarded as likely to influence the employee.

Breach of Trust

An employee who, in the course of his or her duties, seeks to advance a direct or indirect personal interest commits a breach of this Policy and trust. A breach of trust would include:

- Influencing or attempting to influence the City to contract with a person, partnership or corporation for any purpose in which the employee has an interest;
- Accepting from any person or corporation any profit, commission or other payment or favour in the way of price or other advantage where the person or corporation has had, has presently, or may reasonably have contact with the City, or is seeking any decision, act, advise, comment, endorsement from the City; or
- Accepting from any person or corporation any share of profit, commission or other payment or favour in way of price or other advantage for referral of third parties to any such person or corporation.

Note: The City has an Employee Conflict of Interest Policy, for any information that is not referenced in this Code; the Employee Conflict of Interest Policy still applies, including appeals and penalties. Please refer to the Employee Conflict of Interest Policy for further information.

3) Employee Expectations

Use of Corporate Information

Confidentiality of Information:

Employees must not disclose, communicate or convey, directly or indirectly, confidential information for the use for personal advantage to which they have access unless authorized to do so.

All employees, by virtue of their position or duty, will not allow any person or persons access to any record, written statement, department record, roll, correspondence, plan, computerized record, document or any other paper of a private or confidential nature and will conscientiously endeavor to prevent any person or persons not entitled from inspecting or having access to any such confidential information.

Contact with Media:

Unauthorized employees (those who have not received Media trained and contact with media is not a part of their role) are not to have contact with the Media as a representative of the City. Employees who deal with the media should consult with their manager or supervisor to ensure consistent messaging.

Media training or support from the Communications Division will be provided to employees who have frequent communications with the media and/or general public.

Improper Use of Influence or Corporate Property

- a) No employee shall knowingly approve or attempt to influence the approval of any license, permit, contract, agreement or other document on behalf of the City for his or her own personal use, or for the use of an individual with whom the employee has a financial or social relationship.

No employee participating in any outside business or financial activity shall do so during work hours or use the City's facilities or property including but not limited to vehicles, equipment, tools, photocopiers, stationery, telephones or cell phones, computers, etc., for the benefit or purpose of such business or activity.

- b) The intellectual property rights in any work produced by an employee in the course of employment at the City are the exclusive property of the City, unless there is a written agreement stating otherwise between the City and the employee.

No employee shall sell, transfer, or in any way authorize the use of any intellectual property, including copyrighted property such as literary or artistic works, patented inventions or processes, technological innovations, computer programs, data bases, and trademarks, belonging to the City, without express authority from the City.

The City forbids software piracy, defined as using any unlicensed copy of a software package that has not been purchased for City purposes. It includes taking a copy of a licensed software package for one's own use or passing a copy on to another person for their use (See the Computer & Technology Acceptable Use Policy).

- c) No employee of the City shall directly or indirectly purchase or lease real property from or to the City, nor shall an employee have any direct or indirect interest in a company which purchases or leases real property from or to the City, unless this interest has been fully disclosed to the appropriate approving authority and unless the purchase or lease of the real property is done through a public process.
- d) No employee shall use the City's property, funds, equipment, tools, supplies or services for any personal uses whatsoever. Exceptions are allowable including certain City vehicles (for which permission has been received), usage of smart-phones and limited personal use of a City computer in accordance with the Computer Technology Acceptable Use Policy.

Concurrent Employment

Employees shall not undertake outside employment, including self-employment, if such employment:

- Causes a real or apparent conflict of interest;
- Is performed in such a way as to appear to be an official act of or to represent the City;
- Interferes with regular duties in any way; or,
- Involves the use of City premises, resources or equipment including but not limited to City e-mail, telephones, cell phones, or supplies.

Where it appears that a conflict of interest might arise in accepting outside employment, employees must notify their supervisor in writing of the nature of such outside employment and receive written permission prior to the acceptance of such employment.

Gifts and Benefits

In order to preserve the City's reputation of integrity, business gifts should be discouraged, unless of a nominal value of \$25 or less. Employees should not solicit or accept any gift, present, favor or any form of entertainment where its acceptance would place the employee under obligation or compromise. In this regard any gifts, payments, tickets or other items exceeding this nominal value should be returned to the sender with an acknowledgement and with reference to this Code of Conduct.

Employees should seek guidance from their Director, Deputy City Manager or the City Manager as appropriate if they have concerns or need to clarify if a hospitality event offered is an acceptable business courtesy. Alternatively, the hospitality item may be turned over to the employee's Deputy City Manager to be made available to all department staff with an acknowledgement to the sender.

An employee may, at the expense of the City, purchase a meal for professional or business associates where a City of Cambridge business connection/established business relationship and/or potential relationship exists. The frequency and nature of this hospitality must be deemed appropriate by the Director, Deputy City Manager or the City Manager as an acceptable business courtesy in that staff can reciprocate a similar benefit to the provider or staff should advise the provider that they are not comfortable with costs associated with the meal and that they would not be able to reciprocate.

Drug and Alcohol Use

All employees will abide by applicable laws and departmental regulations and the Impairment in the Workplace Policy governing the possession or use of alcohol and drugs. Employees shall not distribute, possess, consume or use illegal or legal drugs on any work sites occupied by the City or in any City vehicle or other equipment at any time. No employee shall use or consume illegal or legal drugs during working hours including meal and coffee breaks, whether or not they are on City property.

Employees who are required to take prescription medication shall do so only directed by their physician. Employees shall inform their supervisor and/or Wellness, Health & Safety if the use of prescription medication impairs their ability to perform their work.

No employee shall distribute, possess or use alcohol on any work sites occupied by the City or any City vehicle or other equipment except in the following circumstances:

- The employee is required to possess or distribute alcohol as part of his or her duties at a licensed event or work site. Such employees shall not consume or use alcohol during working hours.
- Employees in attendance at social events where alcohol is served shall limit their consumption to avoid becoming impaired.

Refer to the Impairment in the Workplace Policy for further information.

City sites and vehicles are deemed as smoke-free and any employee found smoking or vaping outside the designated area on site or in vehicles will be subject to disciplinary action.

Teamwork

All employees are encouraged to use and provide resources to one another and assist in any task requested by a fellow employee that does not disrupt their regular work. As a corporation, we are all parts of one body and need to function as one to effectively achieve the mission of the City of Cambridge.

4) Harassment

The City will provide all employees with a work environment that is free from any form of discrimination or harassment in accordance with the *Ontario Human Rights Code* (OHRC) and the *Respect in the Workplace Policy*.

In accordance with the *Ontario Human Rights Code*, the *Occupational Health and Safety Act* and the City's *Respect in the Workplace Policy*, all persons will be treated with dignity and respect in an environment free of discrimination and harassment.

Employees will abide by the Corporate Values and Behaviours as guiding principles.

Every complaint of harassment will be treated as a serious matter and harassment will not be tolerated.

Refer to the *Respect in the Workplace Policy* for further information.

5) Responsibilities

Management is accountable for protecting the assets of the City and the public trust. As such, every effort will be established to ensure adequate systems and procedures are in place to prevent any form of wrongdoing. These City officials are expected to set a prime example of expected behaviour. In all their business dealings, honesty and integrity shall be required.

The Director of Human Resources is responsible for management of the process to report any business-related wrongdoing. Management staff is responsible to support the reporting process and to encourage staff to raise concerns without fear of reprisal.

Employees are responsible for raising concerns about any business-related wrongdoing about which they become aware or have suspicions. Appropriate protection for the confidentiality of such information will be observed.

Employees will uphold and respect the Corporate Values and Behaviours which commits employees to respect each other; have integrity; provide good service and create an inclusive culture.

Every employee is expected to be aware of and act in compliance with the Code of Conduct and its related policies. When in doubt, employees have the responsibility to seek clarification from their supervisor or Human Resources. Violation of this Code of Conduct and its related policies is a serious matter. Any employee, who has contravened these requirements, will be subject to appropriate disciplinary action, up to and including termination.

6) Abiding by the Law

All suspected wrongdoing will be investigated fully, and all persons accused or suspected of wrongdoing will be treated fairly. All employees are required to cooperate fully with law enforcement and regulatory officials.

7) Reporting a Wrongdoing

Any staff member who has a concern that another staff member's actions or inactions constitute potential business-related wrongdoing is responsible to raise the concern using one of the following options:

- Anyone who believes they have witnessed or have knowledge of City business being conducted in an unethical and dishonest manner is encouraged, whenever possible, appropriate or reasonable, to make their concern known to the offending person; or,
- If the individual raising the concern does not feel they can or should appropriately confront the offender, they can speak directly to their immediate manager, the Director of their division or the Director of Human Resources.

Confidentiality

All concerns received are treated as confidential whether received anonymously or not.

Reprisal

The City does not tolerate any action in reprisal of a staff member who has disclosed a concern of wrongdoing or suspected wrongdoing.

Any such person who believes they are the subject of reprisal for disclosing a concern of wrongdoing can advise the Director of Human Resources or their immediate supervisor. When a management staff member becomes aware of reprisal against a staff member, as a result of disclosure of a concern of wrongdoing, the management staff must inform the Director of Human Resources, Deputy City Manager or City Manager.

All allegations of reprisal are investigated, and anyone found to have engaged in reprisal is subject to discipline up to and including termination of employment.

Dealing with False and Malicious Allegations

The City deals with each allegation seriously and ensures a thorough and objective investigation of all concerns and reports of alleged wrongdoing. Any allegations that cannot be substantiated and which prove to have been made with malicious or false intent will be dealt with through disciplinary action up to and including dismissal for cause.

8) Review Process

To ensure that this Code remains relevant and current, this Code will be reviewed every five years.

POLICY COMMUNICATION

This Policy will be communicated to staff via distribution through the Corporate Leadership Team and Senior Management Team, as well as available on the City of Cambridge website.

RELATED PROCEDURES

HRM-002-001: Investigation Process and Outcomes

HRM-002-002: Public Complaints Resolution Guideline

RELATED DOCUMENTS/LEGISLATION

Corporate Core Values and Behaviours

Accessible Customer Service Policy

Employee Conflict of Interest Policy

Computer & Technology Acceptable Use Policy

Respect in the Workplace Policy

Impairment in the Workplace Policy

Corporate Values and Behaviours

Municipal Freedom of Information and Protection of Privacy Act

Personal Health Information Protection Act

Municipal Act, 2001

Occupational Health and Safety Act

Ontario Human Rights Code

HRM-002-001: Investigation Process and Outcomes

All investigations are conducted in a thorough, fair and objective manner by an impartial investigator.

Concerns raised to management staff are sent to all members of the Corporate Leadership Team (CLT). Any concern raised to management staff that involves a member of CLT will be sent directly to the City Manager and the City Solicitor.

For the City Manager or the City Solicitor, an external investigator will be called upon.

The concern is assigned by the City Manager to an investigator or investigation team. Unless determined otherwise by the City Manager, internal investigations are led by the Director of Human Resources or designate as assigned by the City Manager.

The Director of Human Resources and the investigation team, as applicable, conducts the investigation which includes discussions with the disclosing staff member, if not anonymous, the party against whom the allegations of misconduct have been made and any witnesses as appropriate.

Any employee under investigation may be suspended or assigned to other duties pending completion of the investigation, depending on the particulars of the case and the best interests of the City.

Staff members who raise concerns are informed of the disposition of their concern or report to the extent possible that there may be overriding legal or public interest issues.

Findings will be reported to the City Manager. If the outcome of an investigation finds the offender guilty of wrongdoing, the offender is subject to disciplinary action up to and including termination of employment and prosecution.