



CODE OF CONDUCT FOR THE EMPLOYEES OF THE CITY OF CAMBRIDGE

SECTION 1: POLICY STATEMENT

- 1.1 The City of Cambridge is committed to the principles of openness, ethical behavior and accountability in conducting its business affairs and maintaining the public trust.
- 1.2 To safeguard the public trust, employees must demonstrate the highest standards of ethical behavior, integrity, honesty, accountability and professionalism in compliance with the Code and in the course of their work. The City strives to protect the 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.

SECTION 2: DEFINITIONS

- 2.1 For the purposes of this Code:

“Conflict of Interest” means 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 of interest can either be an apparent conflict or a real conflict.

- Apparent Conflict: An apparent conflict of interest 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: A real conflict of interest exists where a personal interest exists and that interest:

1. Is known to the employee; and
2. Has a connection to the employee's duties that is sufficient to influence the exercise of those duties.

"Business Gifts and Benefits" means any gift, payment, favour or any form of entertainment from a business associate offered to an employee and/or accepted by an employee

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

"Anonymous Reporting" means that 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" means 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.

SECTION 3: APPLICATION OF CODE

3.1 Application

This policy applies to all City employees, including but not limited to regular, temporary and contract employees, and extended to 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.

3.2 Employee Conduct

A. 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 the official's functions, or organization or in the integrity of the public sector.

B. 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 attached as Appendix B.

C. Employee Wrongdoing

Employee misconduct in terms of business related wrongdoings will not be tolerated and could 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.

SECTION 4: CONFLICT OF INTEREST

4.1 Conflict of Interest

Consistent with the Employee Conflict of Interest of 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. 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. 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 Cambridge or could appear to represent the opinion or policy of Cambridge; and/or
- e) The purchase of goods or services from any Cambridge employees or any business entity, 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.

A. 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, unless approved by the City Manager or Deputy City Manager up to an annual amount of \$500.00

B. Indirect Personal Interest

An indirect personal interest arises where the 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 the 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.

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.

C. 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.

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.

D. 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 trust. A breach of trust would include:

- i. 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;
- ii. 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.

- iii. Accepting for 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.

SECTION 5: EMPLOYEE EXPECTATIONS

5.1 Use of Corporate Information

A. 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 by law 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.

B. Contact with Media

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.

5.2 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, usage of smart-phones and limited personal use of a City computer in accordance with the Computer Technology Acceptable Use Policy, is acceptable.

5.3 Concurrent Employment

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

- Causes a real or apparent conflict of interest; or
- Is performed in such a way as to appear to be an official act of or to represent the City; or

- 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.

5.4 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 the 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.

5.5 Drug and Alcohol Use

All employees will abide by applicable laws and departmental regulations governing the possession or use of alcohol and drugs. Employees shall not distribute, possess, consume or use illegal 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 drugs during working hours including meal and coffee breaks, whether or not they are on City property.

Employees who are required to take prescription drugs shall do so only directed by their physician. Employees shall inform their supervisor if the use of prescription drugs 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:

- A. 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.
- B. Employees in attendance at social events where alcohol is served shall limit their consumption to avoid becoming impaired.

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.

5.6 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.

SECTION 6: 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 Human Rights Code (HRC) and the Respect in the Workplace Policy.

Harassment includes, but is not limited to, any behavior, conduct or comment by any person that is directed at or is offensive to another person on the protected grounds of discrimination: age, ancestry, colour, race, citizenship, ethnic origin, creed, disability, family status, marital status (including single status), gender identity, gender expression, receipt of public assistance (in housing only), record of offences (in employment only), sex (including pregnancy and breastfeeding), sexual orientation and sexual harassment and any other grounds under the provisions of the Ontario Human Rights Code

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 and are attached as Appendix A.

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

SECTION 7: CODE OF CONDUCT RESPONSIBILITIES

The management is accountable for protecting the assets of 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.

The Director of Human Resources is responsible for the 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.

Staff is 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.

Every employee is expected to be aware of and act in compliance with the Code of Conduct and its related policies. 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.

SECTION 8: 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:

A. Raising a Concern or 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:

- i. 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
- ii. 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.

B. Confidentiality

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

C. 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 informs the Director of Human Resources, Deputy City Manager or City Manager.

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

D. 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.

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.

E. Dealing with False and Malicious Allegations

The City deals with each allegation seriously and ensures 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 as disciplinary action up to and including dismissal for cause.

SECTION 9: COMPLIANCE AND INTREPRETATION

Every employee is expected to be aware of and act in compliance with this policy. 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.

As a condition of employment with the City, employees are expected to comply with the City's Code of Conduct and related City policies and procedures. When in doubt, employees have the responsibility to seek clarification from their Supervisor or Human Resources.

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

SECTION 10: REVIEW PROCESS

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

Original Signed By:
Gary Dyke, City Manager

Dated:
September 6, 2016

Updated:
February 20, 2019

Appendix A

Corporate Core Values and Behaviours

Staff interactions are guided by the Corporate Core Values and Behaviours established in 2014. All employees at the City of Cambridge are committed to:

RESPECT

We will...

Have mutual and fair understanding of the wants, needs and expectations of others
Practice open, honest and sincere communication

INTEGRITY

We will...

Conduct ourselves in a professional manner with emphasis on effective communication,
accountability for actions, and a strong moral compass
Be committed to maintaining a safe, trusting, and supportive environment
Demonstrate professionalism, good judgement, and personal leadership

SERVICE

We will...

Strive to provide timely, respectful and knowledgeable responses focusing on
communication information in a friendly and accessible manner to all
Seek feedback and use it to enhance and continually improve our services
Demonstrate genuine enthusiasm and take pride in our work to achieve common goals
Demonstrate hard work and dedication in an effort to enhance community pride

INCLUSIVENESS

We will...

Commit, to welcome, learn and understand
Foster an environment of respect and a sense of belonging for all
There is a corporate expectation that elected members of Council will be held to the
same level of accountability as staff members are in their interpersonal relationships
within the working environment.

Appendix B Public Complaints Resolution Guideline

Purpose:

To provide a standardized, accessible, and efficient mechanism for resolving public complaints regarding services provided by the City.

Scope:

This guideline applies to any member of the public who has a complaint respecting alleged misconduct by an employee or employees of The Corporation of the City of Cambridge, provided that the member of the public has been directly affected by such alleged misconduct (the "Complainant"). The City of Cambridge will receive complaints from the public related to a perceived breach of any of the City's services such as by-laws, agreements, policies/procedures or complaints that are contrary to the Staff Code of Conduct.

The guideline will apply to all City staff and contract staff in the course of their duties. In appropriate circumstances, complaints relating to City volunteers and contractors may also be addressed under this guideline.

This guideline is intended to support other specific City programs and legal processes available to address the Complainant's concerns. It is not intended to serve as a venue for harassment of City employees.

Any complaints related to personal information privacy matters and/or the handling of personal information is to be forwarded to the City Clerk, in a timely manner, for assessment and investigation.

Definitions:

For the purposes of this policy:

- Complaint means an allegation made towards the municipality as the public service provider by a member of the public; the complaint can be either formal or informal.
- Designated City Official (Designate) means the City Employee assigned the responsibility of addressing and responding to a complaint.
- Representative means all employees, citizen members of committee and volunteers acting on behalf of the City of Cambridge.

- Formal complaint means a complaint that has not been successfully resolved through the Informal Complaint Process as outlined in this guide.
- Frivolous and vexatious means the complaint is initiated with the intent to embarrass or annoy the recipient, or is part of a pattern of conduct by the complainant that amounts to an abuse of the complaint process.
- Informal complaint means a complaint that has been received by the City, either by telephone, e-mail, postal mail or in person.
- Manager includes a manager or employee acting in a supervisory capacity and authorized to handle complaints from the public.
- Misconduct means a breach of the City's expectations of acceptable employee conduct as outlined in various City of Cambridge by-laws, agreements, policies and procedures, and rules and regulations.

Guiding Principles:

- It is in the interest of all parties that complaints are dealt with promptly and resolved as quickly as possible.
- That staff treat complaints as confidential and protect the complainant's privacy to the extent possible as investigations involve discussions with other parties.
- Review of complaints is fair, impartial and respectful to parties involved.
- Complainants are advised of their options to pursue their complaint if they are dissatisfied with the treatment or outcome.
- Complainants are provided clear and understandable reasons for how decisions on the complaint were made.
- Updates are provided to complainants during the review process.
- Complaints are used to assist in improving services, policies and procedures.

Procedure:

The following procedure will be followed should a complaint be made respecting the alleged misconduct of a City employee(s).

1. How to Submit a Complaint

Complaints can be submitted in person, by email, mail or fax.

Complaints regarding municipal employees should initially be directed to the employee's supervisor to assess if an informal resolution can be made.

Complaints that cannot be resolved at the departmental level or are deemed serious in nature should be placed in writing as outlined in this policy. Serious in nature can be defined as one of such significance public interest it puts, or is likely to put, the City's reputation at risk. A signed complaint form (Appendix A) is required for formal complaints.

2. Informal Resolution Stage

Less serious complaints about a municipal service may be resolved by way of an informal resolution. Every effort will be made to resolve informal complaints immediately to the satisfaction of the complainant without the need for a formal written complaint.

Generally, informal complaints which are related to onsite/in-person, mail, email or telephone may be resolved informally and will not require any further action on the part of the City.

When a complainant makes a complaint alleging misconduct by an employee(s) of the City, the matter will be referred to the employee's direct manager or supervisor. Less serious complaints about an employee at director level and above will be referred to their immediate supervisor.

In the circumstance where a complaint is referred to the Mayor, the Mayor may choose to delegate the responsibility to process the complaint to the City Manager or to the Director of Human Resources. The City Manager and/or the Director of Human Resources will report directly to the Mayor, when acting as his/her delegate under this guideline. Hereinafter the City official designated to address the complaint shall be referred to as the Designated City Official.

The Designated City Official will attempt to resolve the matter immediately upon notification and if the matter cannot be resolved, then the complainant will be notified within ten (10) working days where an attempt to resolve the issue informally through discussion with the complainant and by appropriate follow-up with the subject employee(s).

In the event that the matter has not been resolved to the satisfaction of the complainant at the Informal Resolution Stage, the complainant will be advised, in writing, that if the complainant wants the complaint to be processed through the formal complaint process, then the Complainant must submit a complete written complaint to the Designated City Official, within ten (10) working days of receiving the City's informal resolution response. The details collected at the informal stage may be required if a formal complaint is eventually filed.

3. Formal Complaint

Should a complaint escalate from the informal stage to the formal stage or remain unresolved at the informal stage, it will proceed to the formal resolution process.

Formal complaints must be in writing; complaints that are anonymous will not be accepted. The Complainant may be asked to provide additional written details, supporting documentation, and records concerning the complaint before the investigation can be commenced – additional information must clearly state:

- the employee to whom the complaint relates;
- a description of the employees alleged actions or conduct;
- the affect or potential effect of the alleged actions or conduct to remedy the service;
- names of any witnesses to the alleged actions or conduct (based on consent to contact); and,
- written material in support of the alleged actions or conduct.

In order to achieve due process, a complaint must be made in a timely fashion - generally within two weeks of the alleged event, but in any case, not later than thirty (30) days after the facts on which it is based became known, or reasonably ought to have become known, to the complainant.

When a complaint is advanced to the formal resolution stage, the Designated City Official will first make a determination whether the issue properly falls within the scope of this guideline.

The Designated City Official will determine whether:

- the severity of the service issue or infraction against the Staff Code of Conduct and actions taken to resolve the matter;
- if the complainant has been directly affected by the employee's conduct (where applicable);

- the complaint has been filed within two weeks of and not later than thirty (30) days after the facts on which it is based became known, or reasonably ought to have become known, to the Complainant (or whether reasonable circumstances exist to justify the delay in submitting the complaint); or
- the complaint is frivolous, vexatious, trivial or made in bad faith, or
- this guideline is the appropriate venue through which to consider the complaint, as opposed to any other parallel process that may be underway, regarding the alleged event that lead to the complaint.

The Designated City Official will commence a full investigation and will, at a minimum, meet with the complainant and the subject employee(s) independently. The Designated City Official will attempt to ensure that as much information has been obtained as possible and will obtain and review any applicable background documents or records.

The subject employee(s) will be provided with a copy of the written complaint(s) (or the portion(s) of the complaint that relates to him/her) and will be given the opportunity to address every allegation made against him/her orally and/or in writing. Representation from Union/Association and/or representation by legal counsel will be permitted. The Designated City Official may also review additional documentary information and will meet with other individuals or witnesses, who have relevant information regarding matter(s) under investigation

When dealing with a complaint of a very serious nature, the City Manager and/or the Director of Human Resources will assist by managing the investigation.

The Designated City Official will provide a written response concerning the complaint, setting out his/her decision and, where appropriate, the reasons therefore, to the Complainant and subject employee(s) with a copy to the City Manager and applicable Deputy City Manager, within thirty (30) working days of receipt of the complaint.

External Investigation:

In some instances, where the matter is related to alleged misconduct which is of a serious nature, a third party may be retained by the City Solicitor's office to review the matter, to conduct an independent investigation, to prepare a written report and to make recommendations to City Council regarding the matter. The third party investigation report and its recommendations will be presented to the City Manager for consideration. The City Manager's decision regarding the investigation will be final and binding, except where the employee has further rights under legislation or common law.

In the case of investigations that do not require a third party investigation, the Designated City Official will provide a written response concerning the complaint, setting out his/her decision and, where appropriate, the reasons therefore. The written response will be provided to the Complainant and to the subject employee(s) within 30 working days of receipt of the formal complaint request. If the City Official investigating the matter requires additional time to investigate the complaint, the Complainant and the subject employee will be advised in writing, within 30 days of receipt of the formal complaint, of the status of the complaint and of the anticipated completion date

4. Resolution of Complaints:

Once the complaint is investigated, a determination is made as to the appropriate resolution of the actions related to the service matter or conduct of employees.
Service Related:

If the complaint be service related, the resolution would either confirm the actions taken by the municipality or alter the decisions to satisfy the complainant.

Employee Related:

If the complaint is related to the conduct of an employee, the resolution could include, but is not limited to one of the following options:

1. Discipline of the employee with a warning, suspension or termination;
2. Reassignment of an employee;
3. Attendance at counseling with regard to the issue which may become a condition of employment;
4. Retraining of the employee in the relevant areas pertaining to the cause of the actions or conduct;
5. Take no action.

If at any time, following the receipt of a formal complaint or during the investigation process, the Designated City Official believes that an opportunity to resolve the matter may be successfully pursued without a formal investigation, and both the complainant and the manager agree, efforts may be made to achieve an informal resolution

Notice of Decision and Resolution:

Verbal complaints receive written or verbal notice at manager's discretion or as requested by the complainant.

Formal complaints require a written notice of decision unless otherwise requested by the complainant. Decisions will be provided to the complainant within ten (10) working days following the completion and resolution of the investigation process.

If a formal review determined that the complaint is justified, the complainant is notified of corrective action to be taken and any remedy proposed.

5. Role of Municipal Ombudsperson

If the complainant is not satisfied with the response following the formal complaint stage, they will have opportunity to have a review undertaken by the City's ombudsperson.

The City's ombudsperson will collect all information related to the complaint and render a decision which will either confirm the City's response or provide recommendations to rectify the matter.

The investigation process undertaken by the ombudsperson will be in accordance with the terms and processes attached as Appendix B.

The ombudsperson will be independent of the City's role and will work through the City Clerk's Office to collect all information as they require to review the matter and make a decision, which is not binding on the municipality or the appellant. All decisions conducted by the Ombudsperson will be provided to the City Manager with an annual report to Council on the number of cases investigated.

Other Circumstances:

In the event that a complaint is received that relates to a very serious matter (i.e. involving a threat to health, safety or property), and the Designated City Official determines that the matters involved would increase the possibility of imminent damage or injury if not addressed immediately, then the complaint will be expedited and will be processed immediately by the applicable Deputy City Manager for the subject employee's work area, with notice to the City Manager, and where appropriate, to the subject employee, and the Complainant. The City Solicitor will receive a copy of the notice of determination for tracking purposes.

If there is alleged misconduct as a result of a complaint on the part of a decision-maker under this guideline, the process set out in this guideline will be applied. For clarification however, a formal complaint received regarding the exercise of judgment by management staff in accordance with and as required by this complaint resolution

mechanism will not in itself constitute misconduct by such management staff and therefore will not result in an investigation under this guideline.

Complaints deemed Frivolous and Vexatious:

Complaints which are frivolous and vexatious consume a disproportionate amount of City time and resources and impede staff from attending to other essential issues. This guide also establishes a process to be used by City staff when handling frivolous and vexatious complaints.

If a pattern of conduct occurs, on three or more occasions, a complainant engages the City, staff must establish, through the documented words and/or actions of a complainant that the complaint is frivolous or vexatious and consult with the manager or supervisor. If, after reviewing the circumstances, it is determined that action under this policy should be taken, a warning letter will be sent to the complainant advising that certain actions may be taken such as: limiting the complainant's correspondence with staff to a particular format, limiting the complainant to a particular point of contact, requiring face-to-face interaction, instructing staff not to respond to further correspondence from the complainant, instructing staff not to investigate any complaints regarding an issue that has already been investigated or which is substantially similar. If the complainant disregards the warning letter, the Department Head will advise the City Manager.

Representation at Investigation Meeting(s):

Where warranted, Union/Association representation and/or legal representation of the subject employee will be permitted at investigation meetings held with the employee. In the case of a complaint against a unionized employee, upon consent of the subject employee, relevant documentation relating to the complaint will be provided to the employee's Union/Association. Investigations regarding unionized employees will be conducted in accordance with applicable collective agreement provisions. The rules of natural justice and procedural fairness will apply to all investigations conducted regarding union and/or non-union staff.

Withdrawal of Complaint:

A complainant may withdraw his/her complaint at any time; notwithstanding, the Corporation may continue to deal with the complaint if it considers it appropriate to do so. For tracking purposes, the Director of Human Resources will be notified that the complaint has been withdrawn and will be advised by the Designated City Official whether the investigation will continue nonetheless

Confidentiality:

The public complaint resolution mechanism will be handled in as confidential a manner as possible. Complainants, respondents and witnesses will be advised to maintain confidentiality concerning complaints or incidents.