

# Code of Conduct for Municipal Employees

Original Implementation Date:	March 1, 2006	Approved by:	Dan English, CAO
Date of Last Revision:	April 24, 2018	Approved by:	Jacques Dubé, CAO
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## 1 – Policy Name

Code of Conduct for Municipal Employees

## 2 – Purpose

The Code of Conduct guides employees on expected behaviours and how to maintain the Municipality's high standards of professional conduct.

## 3 – Objectives

The objectives of this Code are to:

- Promote high standards of professional conduct for employees.
- Provide employees with guidelines for identifying unethical or illegal conduct, including a conflict of interest.
- Help ensure that employees do not place themselves or permit themselves to be placed in a position which would constitute illegal or unethical conduct, including a conflict of interest.
- Support a comfortable, productive work environment for all employees.

## 4 – Scope

This Code applies to all employees of the Municipality (as defined in this Code), except sworn members of the Halifax Regional Police and members of Halifax Regional Council, who have separate policies or legislation for their respective groups. The Code applies to volunteer firefighters unless otherwise specifically stated in the Policy. Where specific provisions of this Policy conflict with specific articles in any of the Municipality's collective agreements, the collective agreement provisions will apply.

## 5 – Definitions

In the context of this document:

**CAO** means the Chief Administrative Officer.

**Code** means this Code of Conduct for Municipal Employees.

**Community Council** means a Community Council established by Administrative Order 48, the *Community Council Administrative Order*.

**Council** means the Council of the Municipality.

**Employee** means an individual employed by the Municipality, and for the purposes of the Code of Conduct includes volunteers, student trainees, interns and individuals employed on a personal service contract or sub-contract. Employee also includes contractors or sub-contractors who are made subject to the Code of Conduct pursuant to the terms of a contract or tender, and their employees, in the course of providing goods or services to the Municipality.

**Family** means the Spouse of the Employee and individuals connected to either the Employee or their Spouse in any of the following relationships:

- A. a parent and the parent's spouse;
- B. a sibling, step-sibling or half-sibling and the spouse of any of them;
- C. a child, including an adoptive child and a step-child and the spouse of any of them;
- D. a child of an aunt or an uncle and their spouse;
- E. a grandchild and their spouse;
- F. grandparent and their spouse;
- G. an uncle or aunt and their spouse;
- H. a nephew or niece and their spouse;
- I. a current or former foster parent or foster child;
- J. a current or former ward or guardian;

**Fraud** means the use of deception with the intent of obtaining an advantage, avoiding an obligation or causing a loss to another party.

**Intimate Relationship** means an emotional, romantic, or sexual relationship between employees of the Municipality. Dating, marriage, common-law partnership and civil unions are included in this definition.

**Municipal Assets** means all property and services of the Municipality, including:

- A. equipment such as vehicles, computers and electronic devices;
- B. financial assets and land; and
- C. information and documentation of the Municipality such as internet services, electronic mail, data sets, images and all other work product.

**Municipality** means the Halifax Regional Municipality; it may also be referred to as "the Organization".

**Personal Interest** means a situation where an employee's personal relationship may compromise the duties of their employment. Personal Interest includes any interest arising from a family relationship. Personal interest also includes a situation in which the employee uses the position and influence of their employment for financial or personal gain.

**Procedural Fairness** means following processes that are consistent, transparent, without bias or conflict of interest and ensuring all necessary information is gathered prior to determinations, including an opportunity for those involved to respond as appropriate.

**Spouse** means an individual who:

- A. is married to the employee;
- B. is married to the employee by a marriage that is voidable and has not been annulled by a declaration of nullity;
- C. has gone through a form of marriage with an employee, in good faith, that is void and is cohabitating with the employee or has cohabitated with the employee in the past year;
- D. is an employee's domestic partner within the meaning of Section 52 of the Vital Statistics Act; or
- E. not being married to the employee, is cohabitating in a conjugal relationship with said employee, and has done so continuously for at least:
  - a. three years, if either individual is married, or
  - b. one year, if neither individual is married.

**Witnesses** means individuals who are identified as having observed alleged actions or behaviours related to an alleged breach of the Code or who are identified as having knowledge relevant to the alleged actions or behaviours. Employees who are identified as witnesses have a responsibility to cooperate in good faith with any investigative process.

## 6 – Roles and Responsibilities

### Chief Administrative Officer (CAO)

The CAO, or designate, is responsible for:

- Implementing, administering and promoting this Code.
- Ensuring that executive directors, directors and managers promote the standards expressed within this Code to their employees.
- Investigating and reviewing any reported violation of this Code and approving and administering any subsequent corrective action.

### Executive Director, Directors and Managers

Executive Directors, Directors and Managers are responsible for:

- Ensuring that all employees in their business unit or department are aware of and have access to this Code and follow its terms.
- Reporting any perceived employee material violations of this Code to the CAO, or designate, and instituting appropriate preventative or corrective action.
- Recommending any appropriate changes of this Code to the CAO.

## **Employees**

Employees are responsible for:

- Performing their duties with honesty and integrity and in a manner that is helpful, respectful and courteous regardless of their personal or financial interests.
- Safeguarding and protecting municipal assets.
- Using municipal assets appropriately for the performance of their municipal duties, including complying with policies of the Municipality respecting the use of assets including the Acceptable Internet Use and Email Acceptable Use policies.
- Avoiding conflicts of interest and disclosing any conflict of interest situations that arise to their manager/director.
- Operating in a lawful manner within their authorized limits.
- Treating all customers (internal or external) fairly and equitably.
- Refraining from using affiliations with other employees or Council members for personal advantage.

## **Municipal Solicitor**

Municipal Solicitor is responsible for:

- Providing guidance on the Code of Conduct to management and employees.
- Receiving allegations from employees who have reason to believe their immediate manager/director or executive director may be involved in violations of this Code of Conduct (unless the allegations involve the Municipal Solicitor).

## **Human Resources**

Human Resources is responsible for:

- Providing guidance and support on the Code of Conduct to management and employees.

## **7 – Policy Regulations**

To maintain the trust and respect of their colleagues and the citizens of Halifax Regional Municipality, employees must hold themselves to the highest standards of professionalism and comply with this Code of Conduct.

If there are any questions about the application of this Code to any situation, employees should ask their managers/directors for clarification. Guidance may also be sought from Human Resources and Legal Services.

## **Illegal Conduct**

It is expected that employees of the Municipality will display integrity and accountability in their decision-making and actions. Employees are required to act lawfully and in accordance with government policies and procedures and refrain from any illegal conduct.

Illegal conduct involves actions, taken by an individual during the course of their employment, which are contrary to a federal, provincial or municipal enactment, including but not limited to:

- A. acts in violation of the *Criminal Code of Canada* or other federal statutes;
- B. acts in violation of provincial statutes or regulations;
- C. acts in violation of the *Halifax Regional Municipality Charter*, or
- D. acts in violation of the by-laws of the Municipality.

### **Conflict of Interest**

A conflict of interest exists when the duties and responsibilities of an employee are compromised by a financial or personal interest which is incompatible with the proper discharge of their duties; or would impair or reasonably give the perception of impairing their independence of judgement or action in the performance of their duties.

Where an employee has a real or potential conflict of interest, or becomes aware of another employee with a real or potential conflict of interest, it must be disclosed:

- A. by the employee to their immediate supervisor/manager/director; and
- B. if the conflict of interest relates to a matter before an agency, board, committee, commission of the Municipality or a Community Council or Council where the employee will be discussing the matter or providing an opinion on the matter, to their Executive Director and ultimately to that agency, board, committee, commission, Community Council or Council.

The Code of Conduct aligns with our organizational values and administrative priorities, directing our workplace behaviour by providing the following guidance on potential conflicts of interest:

#### **A. Time and Assets**

Employees must ensure they work the hours they are paid for; diligently performing their assigned work duties during their designated work periods. Except for municipal assets that are available to the public (e.g. parks, roadways, transit, etc.), employees will only use municipal assets to perform assigned work duties for the Municipality as approved by their supervisor. Employees must use municipal assets appropriately, minimizing damage or wastage by practicing care and safekeeping.

#### **B. Gifts and Favours**

Employees must never give or receive gifts or favours where there could be an expectation, or perceived expectation, that the recipient will return favours or special treatment to the giver. Circumstances where nominal or token gifts are acceptable are outlined in Appendix A – Standards for Accepting Gifts and Favours at the end of this document.

#### **C. Personal Gain and Favouritism**

Employees are paid for their work through the Municipality's compensation system and must remove themselves from situations where there is real or perceived risk that they will

receive unsanctioned personal gain or favouritism based on their employment with the Municipality. Employees must not use their access to information, persons of influence or resources to put themselves at an unfair advantage or allow their position in a decision-making process to inequitably benefit themselves or others.

#### **D. Political Involvement**

Political Activity includes, but is not limited to, being a candidate for elected office, campaigning for a candidate for elected office, fundraising for an election campaign, or promoting a political party or cause. Employees involved in any political activity, at any level of government, must keep that activity separate from their workplace. They must ensure that all work performed, either volunteer or paid, on behalf of any political organization and/or political candidate takes place outside of their hours of employment with the Municipality and excludes displaying or using municipal assets.

#### **E. Outside employment or activities**

Employees must avoid accepting employment or volunteer work for private interests when:

1. Such employment or services are incompatible with the performance of their official duties;
2. Such employment or services are related to the employee's position with the Municipality, which could impact, or be seen as impacting, their judgement and objectivity; or
3. Such employment or services puts the employee in competition with services provided by the Municipality; or the employee has an advantage resulting from their employment with the Municipality that is not available to other interested parties.

#### **F. Confidential Information**

Employees who have access to confidential information based on their employment with the Municipality must be careful to safeguard that information by:

1. Only disclosing confidential information concerning the property, government, employees or affairs of the Municipality (outside the normal course of their duties), with prior authorization of the CAO or designate, or otherwise as required by law.
2. Never using confidential information concerning the property, government, employees or affairs of the Municipality to advance the financial or personal interest of themselves or others.

#### **G. Preferential Treatment**

It is a conflict of interest for employees, who are involved in situations where there is real or perceived risk for granting preferential treatment, to:

1. Show favouritism or bias toward any vendor, contractor, or other who does business with the Municipality.
2. Accept gifts or favours from any vendor, contractor, or others who do business with the Municipality that may influence them, or could be perceived to influence them, in

- the proper discharge of their duties, including providing them special treatment.<sup>1</sup>
3. Represent third party interests before any agency, board, committee, commission or Community Council of the Municipality or in any action or proceeding against the interests of the Municipality, or in any litigation to which the Municipality is party, without the prior consent of the CAO, except when an employee has a personal right to advance an action or proceeding granted by statute, a collective agreement or another policy of the Municipality.
  4. Accept compensation or a retainer which is conditional upon the actions of any agency, board, committee, commission of the Municipality, or Community Council or Council;
  5. Have an interest in any municipal contract issued by the Municipality.

#### **H. Leader-Staff Member Intimate Relationships**

Employees in roles of authority must not have an intimate relationship with another employee if:

1. There is a direct managerial/subordinate working relationship between the employees; or
2. They have direct influence over that employee's terms or conditions of employment, such as promotion, termination, discipline or compensation; or
3. A conflict of interest is created as a result of the intimate relationship; or
4. The intimate relationship would otherwise detrimentally affect the workplace.

If leader-staff member intimate relationships arise between employees, the next level director/manager/supervisor and Human Resources must be advised. Failure to do so may result in disciplinary actions. A reasonable effort to work with the employees to assist in finding a suitable alternate solution, such as transferring one of them to another position, will be attempted. If this is not possible, one of the employees must resign.

Employees are expected to be professional at all times. Intimate co-worker relationships must not interfere with any employee's professionalism, including:

1. At the workplace, employees should not engage in personal displays of affection, private arguments, excessive non-work-related communication, etc. that would reasonably cause discomfort or disruption for other employees.
2. If a relationship ends, employees should display civility and not engage in actions that would disrupt the workplace, including gossiping, sabotaging work, pestering, arguing, alienating, etc.
3. An employee who is attracted to another employee must not persist in any unwanted or excessive advancements to that employee, as outlined in the sexual harassment section of the Respectful Workplace Policy.

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<sup>1</sup> See Appendix A for additional information on Standards for Accepting Gifts and Favours.

## **I. Hiring Process**

The Municipality follows fair hiring practices as outlined in the *Fair Hiring Policy*, which makes it a conflict of interest for employees to:

1. Participate in a hiring process where the employee's objectivity would be compromised or perceived to be compromised.
2. Hire or attempt to obtain preferential consideration in connection with the hiring of a member of the employee's family or someone with whom they have a close personal relationship.
3. Attempt to improperly influence another employee to hire one's immediate family or someone with whom they have a close personal relationship.
4. Participate in or influence the hiring or placement of a member of their immediate family or someone with whom they have a close personal relationship, including being involved in screening resumes, interviewing, or in making or influencing the hiring decision.

## **J. Public Comments and Appearances**

Employees must not use their position at the Municipality to lend weight to the public expression of their personal opinions. Employees are expected to support policies, programs and decisions of the Municipality and not engage in public criticism of their employer or make detrimental statements that would have an adverse affect on public perception. Public criticism may include but is not limited to: letters to the editor, interviews with the media, negative statements to the public and posts on social media sites.

Employees who are asked to speak publicly to an organization or professional association, based on their position with the Municipality, must follow the *Guidelines for Employee Participation in Public Meetings and Conferences* which includes receiving approval from their immediate supervisor. Employees speaking publicly must ensure that they do not make any statements that create a conflict of interest. When representing the Municipality, employees must not accept financial payment; however, a small gift as outlined in Appendix A – Standards for Accepting Gifts and Favours is acceptable.

## **Reporting Procedures**

### **A. Reporting a Violation of the Code**

An employee suspecting the Code has been breached must, where safe to do so, remove themselves from the situation causing the breach and report the potential breach to:

1. Their immediate manager/director;
2. If the employee has reason to believe their immediate manager/director may be involved, to their Executive Director; or
3. If the employee has reason to believe their immediate manager/director and the Executive Director may be involved, to the Municipal Solicitor (or to the Executive Director of Human Resources if the allegation involves the Municipal Solicitor).

If there is fear of reprisal or discomfort with using the regular process for reporting a specific concern, the employee may follow the procedures set out in the *Whistleblower Policy* to anonymously report the potential breach.

Business Unit Executive Directors will be notified about all complaints in their Business Unit. If an employee is not comfortable with their Executive Director being notified, due to real or perceived concerns with involvement in the alleged behaviour, the CAO will be notified of the complaint. Human Resources will work with the employee to determine a course of action that supports the psychological safety and wellbeing of the employee and addresses the alleged actions or behaviors to the extent possible.

## **B. Investigations of Breaches of this Code**

1. When a Manager/Director, Executive Director, or the Municipal Solicitor receives an allegation of breach of this Code or if a Manager/Director or Executive Director has reasonable grounds to suspect a breach has occurred, they must:
  - a. If the matter involves illegal conduct, with approval of the Executive Director (if they are not part of the breach), immediately notify the police and the CAO and co-operate with police in any resulting police investigation; or
  - b. If the matter does not involve illegal conduct, initiate an investigation.
2. If the allegation of the breach of Code is against an employee's Manager/Director, the Executive Director will investigate, or if the allegation is against their Manager/Director and Executive Director, the Municipal Solicitor (or the Executive Director of Human Resources if the allegation involves the Municipal Solicitor) receiving the allegation will refer the investigation to an external third-party, providing such investigation does not obstruct a police investigation.
3. The investigation will be objective and impartial, regardless of the position, title, length of service or relationship with the Municipality of the employee being investigated. It should include compiling notes and pertinent records and reviewing any documentation available within the Manager/Director, Executive Director or Municipal Solicitor's custody or control.
4. The standard that will be applied to determine whether a breach of this Code exists is that of an independent person who, on a balance of probabilities (i.e. more likely than not), would reasonably determine that the employee's activities, actions or decisions constitute a breach of this Code. Once the investigation is complete, the Manager/Director, Executive Director or Municipal Solicitor must notify the CAO of the results of the investigation.

## **C. Suspension During Investigation**

If it is prudent or necessary for the protection of evidence or personnel or is otherwise in the public interest to do so, a person subject to an investigation for breach of this Code

may be suspended by their Manager/Director, with pay, pending the conclusion of the investigation or the implementation of any discipline or corrective action arising from the investigation.

**D. Procedural Fairness**

Procedural fairness shall govern all activities related to investigations pursuant the Code.

**E. Corrective Action**

1. A violation of this Code by an employee may constitute a cause for corrective action by the Municipality, regardless of any steps taken by the police.
2. If an investigation finds an employee guilty of a breach of this Code, the corrective action pursued against the employee will correspond to the nature and severity of the violation, including suspensions or terminations.

**F. Submitting a False Report**

Knowingly or recklessly submitting a false report alleging a violation of this Code will be subject to disciplinary action up to and including dismissal and the Municipality reserves the right to seek any other proceedings or remedies available to it.

**G. Whistleblower Protection**

An employee reporting a violation of the Code will be afforded the protections provided under the Whistleblower Policy, which include:

1. The identity of the reporting employee shall be kept confidential to the extent request by the employee, except as otherwise required by law.
2. No adverse action shall be taken against any employee who, acting in good faith, reports a potential violation of this Code.
3. If retaliatory action occurs, the employee should immediately report the action to their Managers/Directors, Executive Director, the CAO or the Municipal Solicitor and the person to whom it was reported will investigate this action following the process set out in the Investigations of Breaches of this Code section of this Policy.

**H. Confidentiality**

Anyone who provides information or evidence related to an investigation pursuant the Code must keep the information confidential.

## **8 – Repeal**

This Policy replaces the following rescinded policies, including all interim amendments:

- Code of Conduct for Municipal Employees, revised April 24, 2018.
- Accepting Gifts and Favours Guidelines, implemented April 24, 2018
- Employee Relationships, implemented April 2012
- Values and Ethics, revised June 13, 2016.

## **9 – Effective Date**

April 2, 2024

## **10 – Related Policies and Practices**

The following policies and practices are related to this Code:

- Acceptable Internet Use Policy
- Data Governance Policy
- Email Acceptable Use Policy
- Fair Hiring Policy
- Guidelines for Employee Participation in Public Meetings and Conferences
- Halifax Regional Municipality Social Media Policy
- HRM Mobility Policy
- Making a Difference Booklet
- Privacy Policy
- Substance Misuse Prevention Policy
- Respectful Workplace Policy
- Workplace Violence Prevention Corporate Statement and Procedure
- Whistleblower Policy

## **11 – Policy Review**

Review every two years.

## **12 – Contact**

Human Resources Business Partners

## **13 – Attachments**

Appendix A – Standards for Accepting Gifts and Favours

## **Appendix A – Standards for Accepting Gifts and Favours**

These standards are intended to supplement the gifts and favours section of the Code of Conduct for Municipal Employees policy.

Employees must use good judgement before accepting an offer of any gift, favour or hospitality. For example, what is the intent behind the offer? Is it being offered as a gesture of thanks without the expectation of special treatment or could there be, or appear to be, something expected in return?

When an employee is offered a gift, favour, or hospitality, they will discuss the offer with their manager/director or supervisor. The manager/director or supervisor will then decide whether the acceptance of the gift, favour, or hospitality places, or appears to place, the employee in a conflict of interest (as defined in the Code of Conduct for Municipal Employees). The manager/director or supervisor will consider the following guidelines for any decision:

- Whether the employee is involved in, could influence, or be perceived to influence, any purchasing/procurement decisions related to the party offering the gift.
- Whether the gift, favour or hospitality is of nominal value.
- The frequency, or acceptance, of offers of gifts or hospitality.
- Whether the offering or receipt of a gift or hospitality is a matter of cultural or diplomatic protocol i.e. received as a normal expression of courtesy or protocol or is within the customary standards for that situation.
- How would it look if the gift/offering made front page news?
- If the manager/director or supervisor is unsure, or if the gift seems larger than nominal value, they should ask their Executive Director.

### **Acceptable Gifts, Favours and Hospitality**

The following standards describe the circumstances in which gifts, favours or hospitality would normally be deemed as acceptable. An employee may:

- Accept gifts of nominal value.
- Keep a gift/prize/promotional item, e.g. gift basket, t-shirt, if it is offered to attendees at a conference, seminar or trade show.
- Accept plaques or similar recognition awards.
- With their Executive Director's approval, accept an invitation from a vendor or potential vendor to attend an educational seminar where the event is open to others and presents educational value to the employee and/or the Municipality. The frequency of such acceptances should be considered to avoid perceived conflict of interest or favouritism. Any non-educational seminar or invitation also requires their Executive Director's decision.

## **Declining Gifts, Favours or Hospitality**

- If an employee is offered or receives a gift which falls outside of these guidelines or the Code of Conduct for Municipal Employees, it should be declined or returned in a tactful manner.
- An offer of a gift, favour or hospitality that breeches any other municipal policy should not be accepted e.g. alcohol – accepting cookies or muffins as a thank you from a citizen is allowed but accepting a bottle of alcohol is not.
- If the employee is unsure, they should speak to their manager/director or supervisor who may in turn defer to their Executive Director for decision.

If any gift, favour or hospitality accepted by or offered to an employee is deemed to be of significant value or deemed to be of a sensitive nature, the Executive Director should raise the issue with the Chief Administrative Officer.

Please note: Canada Revenue Agency has specific rules regarding gifts/awards that may result in taxable benefits for employees.