

Code of Conduct for Municipal Employees

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| Original Implementation Date | March 1, 2006 (Ethical Conduct Policy and Illegal & Irregular Conduct policy) | Approved by | Dan English, CAO |
| Date of Last Revision | June 2006 | Approved by | Halifax Regional Council (policies changed to Administrative Orders 40 & 41) |
| Approval Date: | April 24, 2018 | Approved by | Jacques Dubé, Chief Administrative Officer |
| Effective Date: | July 1, 2018 | | |

Policy Name

Code of Conduct for Municipal Employees

Scope/Application

1. (1) Subject to subsection 2, this Code applies to all employees of the Municipality and all employees are required to abide by and act in accordance with it.
 - (2) This Policy does not apply to a sworn member of the Halifax Regional Police or a member of Halifax Regional Council. Separate policies or legislation apply to these groups.
 - (3) This policy shall apply to volunteer firefighters unless otherwise specifically stated in the policy.
2. The standard that will be applied to determine whether a breach of this Code exists is that of an independent person who would reasonably determine that the employee's activities, actions or decisions constitute a breach of this Code.
3. This Policy shall come into force on July 1, 2018.

Purposes

4. The purposes of this Code are to:
 - (a) promote high standards of professional conduct for employees; and
 - (b) provide employees with guidelines for identifying unethical or illegal conduct, including a conflict of interest; and
 - (c) 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.

Definitions/Interpretation

5. For the purposes of this Code,
 - (a) "CAO" means the Chief Administrative Officer.
 - (b) "Code" means this Code of Conduct for Municipal Employees.
 - (c) "Community Council" means a Community Council established by Administrative Order 48, the *Community Council Administrative Order*.
 - (d) "employee" includes:
 - (i) an individual employed by the Municipality; and
 - (ii) individuals employed on a personal service contract or sub-contract;
 - (e) "family" includes a Spouse and also includes, in respect of either or both the employee and their spouse:
 - (i) a parent and the parent's spouse;
 - (ii) a sibling, step-sibling or half-sibling and the spouse of any of them;
 - (iii) a child, including an adoptive child, (i.e. step-child) and the spouse of any of them;
 - (iv) a child of an aunt or an uncle and their spouse;
 - (v) a grandchild and their spouse;
 - (vi) grandparent and their spouse;
 - (vii) an uncle or aunt and their spouse;
 - (viii) a nephew or niece and their spouse;
 - (ix) a current or former foster parent or foster child;

- (x) a current or former ward or guardian; and
 - (xi) any other person who is residing in the household of the employee.
- (f) “illegal conduct” means an action taken by an individual during the course of their employment which is contrary to a federal, provincial or municipal enactment, including:
- (i) acts in violation of the *Criminal Code of Canada*, such as offences against the person including assault or threats;
 - (ii) offences against property, such as theft or damage to property;
 - (iii) offences against commerce, such as fraud or falsifying an employment record;
 - (iv) acts in violation of the *Halifax Regional Municipality Charter*; or
 - (v) acts in violation of the by-laws of the Municipality.
- (g) “municipal assets” means all property and services of the Municipality, including:
- (i) equipment such as vehicles, computers and electronic devices;
 - (ii) financial assets and land; and
 - (iii) information and documentation of the Municipality such as internet services, electronic mail, data sets, images and all other work product.
- (h) “Municipality” means the Halifax Regional Municipality.
- (i) “personal interest” includes any interest arising from a family relationship.
- (j) “Council” means the Council of the Municipality; and
- (k) “spouse” means an individual who:
- (i) is married to the employee;
 - (ii) is married to the employee by a marriage that is voidable and has not been annulled by a declaration of nullity; or
 - (iii) 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.

Responsibilities

6. The CAO, or designate, will:
 - (a) implement, administer and promote this Code; and
 - (b) ensure that managers and Directors promote the standards expressed within this Code to their employees; and
 - (c) investigate and review any reported violation of this Code and approve and administer any subsequent corrective action.
7. Managers and Directors will:
 - (a) ensure that all employees in their business unit or department are aware and have access to this Code and follow its terms; and
 - (b) report any perceived employee violations of this Code to the CAO, or delegate, and institute appropriate preventative or corrective action; and
 - (c) recommend any appropriate changes of this Code to the CAO.

Inquiry by Employee

8. If there are any questions about the application of this Code to any situation, the employee should ask their manager(s) for clarification. Guidance may also be sought from Human Resources and Legal Services.

ETHICAL CONDUCT

9. (1) An employee will:
 - (a) perform their duties with honesty and integrity and in a manner that is helpful, respectful and courteous regardless of their personal or financial interests;
 - (b) safeguard and protect municipal assets;
 - (c) use municipal assets only 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;
 - (d) to the extent possible, avoid a conflict of interest; and
 - (e) disclose a conflict of interest situation in accordance with section 11.
 - (2) Clause 9(1)(c) does not prevent an employee from using a municipal asset where such use is granted to the general public.
10. (1) During the course of their employment, an employee will not:

- (a) exceed their authority, breach the law, or ask others to do so;
 - (b) grant any unfair advantage to any citizen or group of citizens;
 - (c) use municipal assets in a manner:
 - (i) that will damage the assets; or
 - (ii) that would be offensive to a reasonable person;
 - (d) provide false information to the Municipality, such as providing false information respecting personal qualifications for any job, transfer or promotional application or procedure;
 - (e) solicit members of Council or another employee directly or indirectly in order to obtain preferential consideration in connection with any appointment and if such solicitation occurs, the employee will be disqualified from further consideration for the appointment; or
 - (f) perform work, either volunteer or paid, on behalf of any political organization and/or political candidate during their hours of employment with the Municipality.
- (2) Political involvement by an employee in municipal, provincial or federal levels of government is permitted, except as noted in sections 17B and 17C and clause 18(1)(d) of the *Municipal Elections Act*, providing that the employee makes it clear that they are acting as private citizens and not as representatives of the Municipality.

Conflict of Interest

8. (1) A conflict of interest exists when the duties and responsibilities of an employee are compromised by a financial or personal interest which
- (a) is incompatible with the proper discharge of their duties; or
 - (b) would impair or reasonably give the perception of impairing their independence of judgement or action in the performance of their duties.
- (2) The following are examples of situations which constitute a conflict of interest:
- (a) accepting private employment or rendering services for private interests when:
 - (i) such employment or services are incompatible with the proper discharge of their official duties;
 - (ii) such employment or services would impair, or reasonably give

- the perception of impairing, their independence of judgment or action in the performance of their official duties;
- (iii) such employment or services puts the employee in competition with services provided by the Municipality; or the employee has an advantage derived from their employment with the Municipality that is not an interest in common with the public generally.
- (b) disclosing confidential information concerning the property, government, employees or affairs of the Municipality, without the prior authorization of the CAO or designate;
- (c) using confidential information concerning the property, government, employees or affairs of the Municipality to advance the financial or personal interest of themselves or others;
- (d) showing favouritism or bias toward any vendor, contractor, or other who does business with the Municipality;
- (e) accepting 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;²
- (f) representing 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;
- (g) accepting compensation or a retainer which is conditional upon the actions of any agency, board, committee, commission of the Municipality, or Community Council or Council;
- (h) having an interest in any municipal contract issued by the Municipality;
- (i) being in a managerial and subordinate working relationship with a family member or another employee with whom they are romantically involved;
- (j) participating in a hiring process where the employee's objectivity would be compromised, or perceived to be compromised; or
- (k) hiring, or attempting to obtain preferential consideration in connection with the hiring of a member of the employee's family.

² More information on gifts and favours can be found in the *Making a Difference Booklet* and *Guidelines for Accepting Gifts and Favours*.

- (3) Subclause 11(2)(f) does not apply to an action or proceeding where an employee has a personal right to advance an action or proceeding granted by statute, a collective agreement or another policy of the Municipality.
9. A conflict of interest must be disclosed:
- by the employee to their immediate supervisor or manager; and
 - 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 Director and ultimately to that agency, board, committee, commission, Community Council or Council.

REPORTING AND INVESTIGATING PROCEDURES

Reporting a Violation of Code

10. 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:
 - their immediate manager;
 - if the employee has reason to believe their immediate manager may be involved, to their Director; or
 - if the employee has reason to believe their immediate manager and the Director may be involved, to the Municipal Solicitor.

Investigations of Breaches of this Code

11. (1) A Manager, Director, or if 13(b)(iii) applies the Municipal Solicitor, who receives an allegation of breach of this Code or if a Manager or Director has reasonable grounds to suspect a breach has occurred, must
- if the matter is in respect of illegal conduct, after discussion with their Director notify the police and the CAO and co-operate with police with any resulting police investigation; or
 - if the matter is not in respect of illegal conduct, conduct an investigation.
- (2) If clause 13(1)(b)(i)(ii) applies, the Manager, the Director, or, if 13(b)(iii) applies the Municipal Solicitor, may conduct an investigation, providing such

investigation does not obstruct a police investigation.

12. An investigation will be objective and impartial, regardless of the position, title, length of service or relationship with the Municipality of the employee being investigated.
13. (1) An investigation should include compiling notes and pertinent records and reviewing any documentation available within the manager, Director, or Municipal Solicitor's custody or control.
(2) Once the investigation is complete, the manager, Director, or Municipal Solicitor must notify the CAO of the results of the investigation.

GENERAL PROVISIONS

Suspension During Investigation

1. 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 with pay pending the conclusion of the investigation or the implementation of any discipline or remedial action arising therefrom.

Corrective Action

2. (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 shall be commensurate with the nature and severity of the violation, including suspensions or terminations.

Submitting a False Report

3. Knowingly or recklessly submitting a false report regarding 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.

Whistleblower Protection

- (1) The identity of the reporting employee shall be kept confidential, except as 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 manager(s), 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 sections 14, 15 and 16.

Revisions

14. This Code and the sections contained therein will be reviewed and amended by the CAO, from time to time.

Rescission of Prior Policies

15. The Halifax Regional Municipality Illegal and Irregular Conduct Policy revised June 27, 2006 and the Ethical Conduct Policy revised June 27, 2006 and all amendments thereto are rescinded.

Related Policies and Practices

16. The following policies and practices are related to this Code:

- (a) Making a Difference booklet;
- (b) Substance Abuse Prevention Policy;
- (c) Values and Ethics;
- (d) Workplace Rights Harassment Prevention Policy;
- (e) Workplace Violence Prevention Corporate Statement;
- (f) Workplace Violence Prevention Corporate Procedure;
- (g) Employee Relationships;
- (h) Guidelines for Accepting Gifts and Favours
- (i) Guidelines for Employee Participation in Public Meetings and Conferences;
- (j) Social Media Guidelines;
- (k) Acceptable Internet Use Policy;
- (l) Email Acceptable Use Policy;
- (m) HRM Mobility Policy; and
- (n) Data Governance Policy.