

THE CORPORATION OF THE MUNICIPALITY OF MAGNETAWAN

BY-LAW NO. 2014-14


Being a By-law to adopt Code of Conduct and Ethics for Employees

WHEREAS the Council of the Municipality of Magnetawan deems it in the public interest to establish a policy of conduct and ethics for employees;


NOW THEREFORE THE COUNCIL OF THE CORPORATION OF THE MUNICIPALITY OF MAGNETAWAN ENACTS AS FOLLOWS:

1. That the attached policy, referred as Appendix 'A' to this by-law, be adopted.
2. That this by-law be effective upon its adoption.

Adopted this 11th day of June 2014.



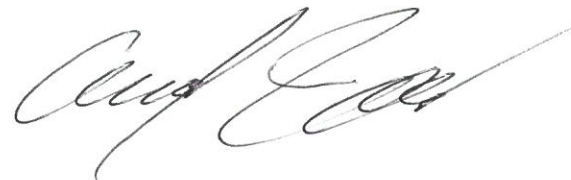
Mayor, Sam Dunnett



Clerk-Administrator, Roger Labelle

REPEALED

Under By-law 2017-18



**Andrew Farnsworth, Clerk - Administrator
Commissioner for taking Oaths,
Municipality of Magnetawan,
District of Parry Sound**

APPENDIX 'A'

to By- Law no. 2014-14

Corporation of the Municipality of Magnetawan

Code of Conduct and Ethics for Employees

Purpose

1. The purpose of this Policy is to ensure that municipal employees:
 - a. are aware of what constitutes a conflict of interest;
 - b. are aware of what constitutes a breach of trust;
 - c. are aware of the level of conduct and integrity which is expected of municipal employees.

Definitions and Interpretation

2. In this Code:
 - a. "Employee" shall include any person who is appointed to an office referenced in the Municipal Act, 2001 or the Building Code Act, 1992 and any person who is appointed by Council to an advisory committee, unless expressly stated otherwise in a specific section of this Code.
 - b. Private Interest means interests outside of the scope of the employees duties and responsibilities to the Municipality which include:
 - i. Relationships with third parties financial

Specific Objectives

3. The objectives of this policy are to:
 - a. provide employees with guidelines for identifying potential conflicts of interest and breaches of trust;
 - b. help ensure that employees do not place themselves, or permit themselves to be placed, in a position which would constitute a conflict of interest or breach of trust;
 - c. promote high standards of professional conduct and values among employees.

Responsibilities: Council

4. Council will:
 - a. review this Code as required and make any amendments considered appropriate;

- b. review, consider or take other action concerning any violation of this Code which is referred to Council by the Clerk-Administrator, or raised by a member of Council during the course of Council discussions

Responsibilities: Clerk-Administrator

5. The Clerk-Administrator will:
 - a. implement, administer and promote this Code;
 - b. ensure that department heads promote the ethical standards expressed within this Code to employees;
 - c. advise and recommend to Council methods to improve this Code and its implementation;
 - d. investigate and review any reported violation of this Code;
 - e. approve and/or administer any subsequent corrective action.

Responsibilities: Department Heads

6. Department Heads will:
 - a. ensure that all employees of their department are familiar with this Code;
 - b. advise the Clerk-Administrator of any perceived violation of this and institute appropriate preventative or corrective action (if necessary in consultation with the Clerk-Administrator);
 - c. advise and recommend to the Clerk-Administrator methods to improve this Code and its implementation.

Principles of Conduct for all Municipal Employees

7. All employees of the Municipality are subject to the following principles:
 - a. **Entrusted to Uphold Laws:** Employees are entrusted with upholding and adhering to the by-laws of the municipality as well as all applicable federal and provincial laws. As public servants, they must observe a high standard of morality in the conduct of their duties and faithfully fulfill the responsibilities of their employment, regardless of their personal or financial interests.
 - b. **Dedicated Service:** Employees should faithfully work towards developing programs to address the needs of its citizens. In the course of their duties, employees should strive to perform at a level which is expected of those who work in the public's interest and be dedicated to provide quality

services on a timely basis.

- c. **Perform Within Authority:** Employees should not exceed their authority, breach the law, or ask others to do so, and should work in full co-operation with other public officials and employees, unless prohibited from doing so by law or by formally recognized rules of confidentiality.
- d. **Shall Not Solicit Appointments:** Soliciting members of Council directly or indirectly in order to obtain preferential consideration in connection with any appointment (i.e. promotions) to the municipal service will disqualify the candidate from further consideration for the appointment.
- e. **Use of Public Property:** No employee shall request or permit the use of municipal-owned vehicles, equipment, materials, or property for personal convenience or profit, except where such privileges are granted to the general public or are authorized by the Clerk-Administrator or Council.
- f. **Obligations to Citizens:** No employee shall grant any special consideration, treatment, or advantage to any citizen or group of citizens beyond that which is accorded to all citizens.
- g. **Disclosure of Confidential Information:** No employee shall, without proper legal authorization, disclose confidential information concerning the property, governance, or affairs of the municipality; nor shall he/she use such information to advance the financial or personal interest of him/herself or others. Similarly no employee shall disclose confidential information concerning an individual, their property or affairs which information is retained or in the possession of the municipality except in accordance with the Municipal Freedom of Information and Protection of Privacy Act.
- h. **Incompatible Employment:** No employee shall engage in or accept private employment or render services for private interests when such employment or services are incompatible with the proper discharge of their official duties or would impair his/her independence of judgment or action in the performance of his/her official duties.
- i. **Conflict of Interest:** No employee, whether paid or otherwise, shall engage in any business transaction or have a financial or personal interest, direct or indirect, which is incompatible with the proper discharge of their duties or would impair their independence of judgment or action in the performance of their duties. Personal interest, rather than financial, includes any interest arising from family or marriage relationships or close business or political associations. It is important to emphasize that a

conflict of interest can exist where the potential for a conflict is found to exist and notwithstanding that no actual or intended wrongdoing has occurred. Moreover, the violation of other principles in this section may give rise to a finding of a conflict of interest.

- j. **Gifts and Favours:** In keeping with established private-public business practices, no employee shall show favouritism or bias toward any vendor, contractor, or others doing business with the municipality. Employees are prohibited from accepting gifts or favours from any vendor, contractor or others doing business with the municipality that would tend to influence them in the proper discharge of their official duties.
- k. **Representing Private Interest:** No employee shall appear on behalf of private interests (other than their own) before Council, any Committee of Council or local board of the Municipality without the consent of the Clerk-Administrator or Council. The employee shall not represent private interests in any action or proceeding against the interests of the municipality or in any litigation to which the municipality is party.
- l. **Contracts with Municipalities:** No officer, agent or employee of the municipality shall have any interest, direct or indirect, in any legal municipal contract issued by him/her or by any public committee, board, commission or department of which they are a member, agent, or employee. However, an officer, agent, or employee of the municipality may enter into a legal contract with the municipality or any agency if approved by resolution or by-law duly adopted by Council.
- m. **Political Activity:** No employee of the municipality shall perform work, either volunteer or paid, on behalf of any political party during his/her hours of employment with the municipality.

Reporting Breaches of this Code

- 8. Employees who have reason to believe that this Code has been breached in any way are encouraged to bring their concerns to the Clerk-Administrator. No adverse action shall be taken against any employee who, acting in good faith, brings forward such information.

Corrective Action

- 9. Violation of this Code by a municipal employee may constitute a cause for corrective action. Any reported violation of this policy will be subject to preliminary investigation by the Clerk-Administrator. Where the Clerk-Administrator believes that a violation has occurred may put the matter before Council for consideration. If an investigation results in a determination that an employee has violated the principles of conduct set out in section 6, the Clerk-Administrator and/or Council may impose a corrective action or penalty and such

corrective action/penalty shall be commensurate with the nature and severity of the violation.

Review and Amendment

10. This Code may be reviewed and amended by Council, in consultation with the Clerk-Administrator, as required.

Conflict

11. Where there is any conflict between this Code and the policies set forth in the appropriate collective agreement, or policies set forth in a statute of the provincial or federal governments, collective agreements or the provincial or federal statute shall supersede the provisions of this policy.