

**THE CORPORATION OF THE MUNICIPALITY OF MAGNETAWAN**

**BY-LAW NO. 2017 - 18**

**Being a By-law to adopt an employee code of conduct.**


**WHEREAS** the Council of the Corporation of the Municipality of Magnetawan deems it desirable to adopt an employee Code of Conduct policy to provide guidelines on how all employees can contribute to a respectful and ethical professional organization;


**NOW THEREFORE** the Council of the Corporation of the Municipality of Magnetawan hereby enacts as follows:

1. **THAT** the Employee Code of Conduct policy be adopted as Schedule 'A' to this By-law as attached;
2. **THAT** all municipal employees receive annual training on the Code of Conduct;
3. **THAT** Magnetawan By-law 2014-14 be repealed as of the date of passing of this By-law.
4. **AND THAT** this By-law shall come into force and effect on the date its passing

**READ A FIRST, SECOND, AND THIRD TIME**, passed, signed and the Seal of the Corporation affixed hereto, this 22<sup>nd</sup> day of March, 2017

**THE CORPORATION OF THE  
MUNICIPALITY OF MAGNETAWAN**

  
\_\_\_\_\_  
Mayor

  
\_\_\_\_\_  
Clerk-Administrator



## Schedule 'A' to By-law 2017-18

### Employee Code of Conduct

March 22, 2017

#### ***Purpose:***

To provide guidelines on how all employees can contribute to a respectful and ethical professional organization.

#### ***Table of Contents***

General .....	2
Confidentiality .....	2
Outside Employment, Business and Volunteer Activities .....	4
Entertainment and Gifts .....	4
Public Appearances .....	4
Business Dealings with Relatives .....	4
Business Ethics and Conflict of Interest .....	5
Alcohol and Drug Use .....	5
Dress, Grooming and Personal Hygiene .....	7
Social Networking .....	8
Off-Duty Conduct .....	8
Internal Disclosure .....	10
Consequences for Failing to Adhere to Policy .....	12
Internal Disclosure Report .....	13

## **General**

1. To ensure effective teamwork, a harmonious working environment, and the protection of the Municipality of Magnetawan's interests, employees must adhere to the following guidelines:
  - Act with honesty and integrity at all times. Always comply with the law and all of the Municipality of Magnetawan's policies and standards.
  - Understand your obligation to speak up if you become aware of any violations of this Code of Conduct Policy.
  - Conduct yourself in a friendly, courteous and professional manner with all municipal colleagues, residents and visitors.
  - Maintain the highest ethical standards.
  - Contribute to the efforts of the team and offer your assistance wherever required, whether or not such assistance falls within the normal duties of your job.
  - Co-operate freely.
  - Do your part to ensure the smooth operation of our municipality.
  - Be honest, trustworthy, reliable and dependable in fulfilling all of your duties.
  - Take direction from and work co-operatively with your Department Head.
2. Inappropriate language interferes with a respectful working environment and will not be tolerated. It includes, but is not limited to, swearing, excessive sarcasm, name-calling, mocking or vulgar, obscene, insulting, threatening or abusive language.
3. It is the Municipality of Magnetawan's goal to maintain a working environment where employees have positive attitudes and treat each other with respect. Strive to maintain and present a positive attitude at all times when dealing with Municipal coworkers, residents and visitors. Any constructive criticism should be provided in a helpful and positive manner.
4. You are responsible for complying with this Policy during working hours and at work-related functions that take place after hours.

## **Confidentiality**

1. In the course of your employment, you may receive confidential information about the Municipality of Magnetawan, our customers or suppliers. Confidential information may include but is not limited to:
  - processes, product testing, product formulations, ingredients, research and development information and trade secrets
  - personal information about an identifiable individual
  - operational information, including products and services offered
  - financial information, such as pricing and rate information

- documents, records or other information concerning sales or marketing strategies
  - customer and supplier lists, records and information, including lists of present and prospective customers, suppliers and related information
  - information relating to employees, vendors and contractors, including employment status, vendor/contractor status, personnel records, performance information, compensation information and job history
  - privileged information, including advice received from professional advisors such as legal counsel and financial advisors
  - information contained in manuals, training materials, plans, drawings, designs, specifications, quality-related documents, including ISO or related standards, and other documents or records belonging to the Municipality of Magnetawan, even if such information has not been labeled or identified as confidential
2. You understand that disclosure of confidential information would be highly detrimental to the Municipality of Magnetawan's best interests and agree:
- to exercise all due and diligent precautions to protect and maintain the integrity of confidential information
  - not to disclose, publish or disseminate to any unauthorized person, at any time either during your employment or after it ends, confidential information that includes but is not limited to the information set out above
  - to refrain from making copies of confidential information, except for use in connection with your duties
  - not to remove any confidential information without the Municipality of Magnetawan's express permission
  - not to make improper use, either directly or indirectly, of confidential information
  - to safeguard against unintentionally disclosing confidential information (*e.g.*, by not discussing confidential information in public or on a cellphone, and by not working with confidential information on a laptop in public or transmitting such information by unsecured means)
  - to only release confidential information to those authorized to receive it, and then only on a need-to-know basis
3. When your employment ends, you must immediately return all materials or property belonging to us. You agree not to retain, reproduce or use any confidential or proprietary information or property belonging to the Municipality of Magnetawan or an associated company.

## **Outside Employment, Business and Volunteer Activities**

1. You may not engage in outside employment, directorships, business or volunteer activities that:
  - cause an actual or apparent conflict of interest
  - are performed in such a way as to appear to be an official act of, or to represent the Municipality of Magnetawan
  - unduly interfere with your ability to exercise independent judgment or perform the duties of your job
2. You may not conduct activities that are not work-related during working hours.
3. You may not use the Municipality of Magnetawan's equipment or facilities for activities that are not work-related unless you obtain approval in advance from your Department Head.
4. We encourage you to engage in charitable or civic activities that do not create a conflict of interest.
5. Please do not solicit charitable donations from clients. This can create a feeling of obligation or pressure to make a donation and should be avoided.

## **Entertainment and Gifts**

1. You may not accept gifts, entertainment or services from residents or suppliers, other than the customary exchange of gifts that are of nominal value (less than \$25), such as Christmas gifts.
2. If you receive a gift that is of more than nominal value or you are uncomfortable with a gift you have been offered or given, please speak to your Department Head.

## **Public Appearances**

1. You may not make any public appearances or publish any documents in which you appear to be representing the Municipality of Magnetawan without prior approval from your Department Head.
2. You may not use the Municipality of Magnetawan's letterhead for personal correspondence.

## **Business Dealings with Relatives**

You may not enter into business dealings on the Municipality of Magnetawan's behalf with your relatives or their businesses without prior approval from your Department Head. Approval may not be granted if the proposed transaction would cause, or appear to cause, a conflict of interest.

## **Business Ethics and Conflict of Interest**

1. In some situations, your personal or business activities and interests may be in conflict with those of the Municipality of Magnetawan. In order to prevent disruptions to the Municipality of Magnetawan's best interests, you must abide by our conflict of interest guidelines.
2. It is your responsibility to identify and report any possible or actual conflict of interest, regardless of whether or not you benefit from it.
3. Any exceptions to this policy are at the discretion of your Department Head and must be in writing and approved in advance.
4. You may not use company business contacts for personal gain.

## **Alcohol and Drug Use**

Alcohol and drug use at work interfere with the safe operation of our organization and compromises our reputation. Please adhere to the following terms:

1. You are responsible to report for work free from the influence of illicit drugs or alcohol.
2. You could be considered to be under the influence of drugs or alcohol if:
  - your ability to perform your duties is impaired
  - you are in a physical or mental condition that creates a risk to the health and safety of you or other individuals, or puts the Municipality of Magnetawan's property at risk
  - you demonstrate signs of impairment, such as the smell of alcohol or drugs on your breath or clothing, slurred speech, difficulty with motor skills, etc.
3. If you report to work under the influence of alcohol or drugs, or you use alcohol or illegal drugs during working hours, you will not be allowed to work the rest of the day. We may also require you to submit to appropriate testing to determine the extent to which your ability to perform the requirements of your job is impaired.
4. You may also be required to undergo drug or alcohol testing after a significant incident (*e.g.*, a work-related accident), or where you engage in dangerous or reckless behaviour, if there is reason to suspect that the incident or behaviour was related to drug or alcohol use.
5. If you are required to submit to testing for cause or after an incident (as described in paragraphs 3 and 4 above), you may also be required to submit to a larger assessment of your ability to perform the functions of the job. This may include a medical examination by a physician, performance tests, referral to an appropriate agency that can assist with a substance abuse problem and supervisory or peer monitoring.
6. If you are in a "safety-sensitive position", you may be subject to random drug and alcohol testing to ensure compliance with this Policy. Safety-sensitive positions are those in which the duties of the position may have an impact on the health or safety of employees, members, contractors, members of the public or the environment.

7. If you are taking prescription or over-the-counter medication that could impair your job performance, you must report this treatment to your Department Head. The proper use of such medication is not grounds for disciplinary action but may necessitate modified duties or reassignment during the course of treatment.
8. The Municipality of Magnetawan will take appropriate steps to accommodate employees with substance abuse problems. If you require accommodation and assistance from the Municipality of Magnetawan, you are responsible to communicate this need in sufficient detail and to co-operate with the Municipality of Magnetawan to facilitate an appropriate course of action. If you refuse treatment or accommodation you may be subject to progressive discipline, up to and including termination.

#### *Social functions*

1. During certain Municipal social events, the use of alcohol may be allowed. Under no circumstances may alcohol be consumed while working.
2. Approval from your Department Head is required before alcohol can be consumed on Municipality of Magnetawan property.
3. If you consume alcohol during a social event sponsored by the Municipality of Magnetawan, you are responsible to ensure that your use of alcohol is reasonable. You are also expected to observe all laws regarding the consumption of alcohol and, in particular, you must not drink and drive.
4. When consuming alcohol, please consider that you may be seen as a representative of the Municipality of Magnetawan and must behave in a professional manner.
5. At such social functions, Department Heads should take steps to ensure that employees do not drive or engage in safety-sensitive activities while under the influence of illegal drugs or alcohol. This includes limiting the number of drinks employees consume to not more than one per hour, offering rides home or arranging for a taxi, and reminding employees of the dangers of drinking and driving.

#### *Consequences of violation of alcohol restrictions*

1. The consequences for failing to abide by this Policy will reflect the individual circumstances and may include reassignment, rehabilitation, counselling, discipline or termination.
2. The use, sale or possession of alcohol or illegal drugs while on the job or on the Municipality of Magnetawan's property may be cause for immediate dismissal. Any illegal substance will be turned over to the appropriate law enforcement agency.



## Dress, Grooming and Personal Hygiene

As an ambassador for the Municipality of Magnetawan, we expect you to maintain a professional, business-like appearance at all times.

### *Office workers*

1. Our policy for office workers is to wear business attire, except on Fridays. The following is *not* considered to be appropriate business attire:
  - ripped, torn or frayed clothing
  - jeans
  - T-shirts with logos or slogans (*e.g.*, sports teams, cartoon characters)
  - track pants, workout clothing or yoga wear
  - tight, low-cut or revealing clothing
  - running shoes, flip-flops, shoes without heel straps (for health and safety reasons), shoes with heels that are higher than two inches, or no shoes at all
2. On Fridays you may dress more casually, including wearing jeans and other casual clothing. However, you must still maintain a professional appearance, and any clothing you wear must be in good condition. You must observe all other requirements for proper attire listed above.

*Please note:* There may be times when you will be required to dress in business attire on a Friday, for example, if there is a meeting being held in our offices involving customers or other outside parties.

### *Outdoor workers*

Our policy for outdoor workers is to wear clothing that is appropriate to the time of year and the work being performed, including any and all approved Personal Protective Equipment that may be required to perform the job. All outdoor workers are required to wear full-length pants, shirts with full-length sleeves, and approved safety footwear at all times unless otherwise permitted by your Department Head. The following is *not* considered to be appropriate outdoor working attire:

- ripped, torn or frayed clothing
- track pants, workout clothing or yoga wear
- clothing that is excessively baggy
- tight, low-cut or revealing clothing
- clothing that conceals the face (unless required for warmth or health and safety and authorized by the Department Head) – in accordance with Federal and Provincial law
- any knives, blades or other accessories that could be considered a weapon that are not required for the job

All employees must observe good habits of cleanliness and personal hygiene, and avoid strong perfume or cologne and scented laundry products (which may affect your co-workers or any customers with allergies).

The interpretation of this Policy is subject to the discretion of the Department Head and Management. If we determine that you are inappropriately dressed, you may be sent home and required to return to work in acceptable attire. Any time spent away from work in order to change your clothing will be considered unpaid personal time off.

## **Social Networking**

Your participation on any social networking site, whether from work or from home, must not conflict in any way with your role at the Municipality of Magnetawan. Your obligations to protect the Municipality of Magnetawan's confidential or proprietary information extend to anything you may post on any on-line site.

1. Your participation on any social networking site must not harm the Municipality of Magnetawan's reputation or the reputation of the Municipality of Magnetawan's associates.
2. When participating on any social networking site, you must not comment on the Municipality of Magnetawan, your work at the Municipality of Magnetawan, your colleagues at the Municipality of Magnetawan, or any contractors or related associates of the Municipality of Magnetawan.
3. You may not use the Municipality of Magnetawan's logos, slogans or intellectual property.
4. You will be held accountable for what you write or post on social media or internet pages, even when off duty and posted on your personal social media pages or website.
5. Inflammatory comments, unprofessional remarks or disparaging remarks made about the Municipality of Magnetawan its employees, customers, vendors or competitors may result in disciplinary action, up to and including termination. Even postings that are not directly related to the Municipality of Magnetawan may result in disciplinary action if they might threaten the Municipality of Magnetawan's reputation or business.

## **Off-Duty Conduct**

### *General*

1. At the Municipality of Magnetawan, we do not wish to unduly intrude into the personal lives of our employees. Generally speaking, how you conduct yourself outside working hours is your own personal business. However, inappropriate conduct during business travel, at off-site conferences and training facilities, in the lunchroom and at work-related social gatherings, etc. is prohibited, as there is a significant connection with your work relationship here at the Municipality of Magnetawan.

2. In addition, certain off-duty conduct, whether related to your employment or not, can result in disciplinary action, up to and including termination of your employment. In particular, the following types of conduct, which would tend to bring the Municipality of Magnetawan into disrepute and/or expose the organization to potential legal liability, are especially problematic:
  - the commission of criminal offences;
  - bullying or harassment of co-workers;
  - defamatory, unduly negative or disparaging comments made about the Municipality of Magnetawan, its products, services, employees, management, Council, members of Council, customers, contractors, competitors or other relations;
  - comments promoting hatred or discrimination against any identifiable person or group;
  - breaches of privacy or confidentiality, including the divulging of information related to trade secrets, intellectual property, customer lists, personal employee or customer information;
  - breaches of competition legislation, including fair competition, antitrust or insider trading provisions;
  - illegal and/or immoral activities committed while wearing any Municipality of Magnetawan uniform, or while driving a company vehicle.

### *Criminal Offences*

1. If you engage in off-duty criminal conduct, depending upon the circumstances, this may give rise to progressive discipline, up to and including termination of employment. This applies whether or not formal charges have been laid and whether or not the individual has been convicted. However, as a general rule, a criminal conviction is usually considered to be sufficient evidence that the activities in question did take place.
2. Generally, this Policy is concerned with criminal conduct which would:
  - tend to bring the organization into disrepute;
  - render you unable to perform your duties, for example, due to lengthy incarceration or the revocation of professional licences;
  - result in other employees' reasonable refusal to work with you; or
  - make it difficult or impossible for us to carry on business
3. When determining the appropriateness and extent of any disciplinary sanctions for off-duty criminal conduct, we will have regard to several factors, including, but not limited to, the following:
  - the nature of our business and whether or not the offence relates in any way to your employment at the Municipality of Magnetawan;
  - the nature and seriousness of the alleged criminal activities;

- your duties, position and title, stature within the organization and the community, working relationships with colleagues, and whether or not you occupy a position of trust and/or a customer-facing role, etc.;
- any negative publicity the individual or the Municipality of Magnetawan may receive as a result of the commission of the alleged offence; and
- the weight of evidence against the employee in question (while the criminal standard of evidence beyond a reasonable doubt is generally not required, we will not act based solely on unsubstantiated hearsay evidence without conducting a full investigation, particularly in relation to anonymous complaints against an employee).

## **Internal Disclosure**

The Municipality of Magnetawan is committed to the highest standards of ethics and integrity. We demonstrate this commitment by achieving full compliance with all governing laws and regulations and by maintaining accountability for our management practices.

The purpose of this Policy is to demonstrate our commitment to integrity and to provide a safe means for employees and others to raise concerns about potential or suspected wrongdoing by the Municipality of Magnetawan.

1. This Policy applies to all employees, officers and volunteers of the Municipality of Magnetawan.
2. For the purposes of this Policy, wrongdoing means:
  - a violation or suspected violation of any federal or provincial Act or regulation
  - improper or fraudulent financial reporting or accounting practices
  - conduct in contravention of the Municipality of Magnetawan's Code of Conduct Policy
  - conduct or practices that present a danger to the health, safety or well-being of the Municipality of Magnetawan's employees, officers, Council, member of Council or third parties, where applicable

### *Role of employees*

All employees are expected to:

- handle confidential and proprietary information responsibly and in good faith
- disclose any wrongdoing or suspected wrongdoing to their Department Head or the Clerk-Administrator using the attached Internal Disclosure Report
- act in good faith when reporting any suspected wrongdoing and to refrain from making vexatious or unsubstantiated allegations with the intent to harm the reputation of any individual or the Municipality of Magnetawan as a whole

### *Role of Department Heads*

Department Heads are expected to:

- provide education and advice about this Policy to employees
- be open and accessible to employees who express concerns about suspected wrongdoing
- act promptly and in good faith when employees raise concerns about suspected wrongdoing
- co-operate with the Clerk-Administrator in enforcing this Policy and in conducting any related investigations
- protect employees who report suspected wrongdoing from reprisals

### *Role of the Clerk-Administrator*

The role of the Clerk-Administrator is to act as a neutral party to facilitate and process internal reports of suspected wrongdoing. This includes:

- providing education and advice on the terms of this Policy
- ensuring that employees have ready access to this Policy
- assisting individuals who wish to file an Internal Disclosure Report
- receiving and processing Internal Disclosure Reports
- assessing Internal Disclosure Reports and determining if there are sufficient grounds to warrant further action
- determining what action must be taken to address the suspected wrongdoing, including providing a report to the Department Head(s), Council or to outside law enforcement agencies, where necessary
- implementing measures to protect individuals who report suspected wrongdoing in good faith from reprisals
- making recommendations for sanctions if an Internal Disclosure Report is filed maliciously or in bad faith
- keeping records of all internal disclosure reports and any investigations or remedial action taken

### *Freedom from retaliation*

1. The intention of this Policy is to encourage you to raise legitimate concerns about suspected wrongdoing in a safe and secure manner.

2. If you file an Internal Disclosure Report in good faith, you will not be subjected to any form of penalty or reprisal. However, if you file an Internal Disclosure Report maliciously or in bad faith, with the intent to harm an individual or the Municipality of Magnetawan as a whole, you may be subject to discipline, up to and including termination.

### **Consequences for Failing to Adhere to Policy**

If you do not comply with the terms of this Code of Conduct Policy, you may be subject to disciplinary action, including possible termination of your employment.

**POLICY: CODE OF CONDUCT**

**CONFIDENTIAL**

**Internal Disclosure Report**

**EMPLOYEE NAME:**

**POSITION:**

**DEPARTMENT:**

**DATE:**

**Description of Suspected Wrongdoing**

Include details about the suspected wrongdoing for which you are filing this report, such as dates, times, places, and individuals involved. Attach additional sheets if necessary.

**Action Taken**

List any steps you may have taken prior to filing this report (e.g., notified Department Head).

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Signature

