



Policy Manual

Section:	Corporate Services
Subject:	Code of Conduct for Employees
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Prepared By:	Director of Corporate Services

1.00 Objective

Municipal government is the order of government that is closest to its citizens. On a daily basis, Town of Essex employees interact with residents and participate in decisions that can have a significant impact on their lives. Accordingly, it is important that employees share a standard of conduct that ensures public confidence in the municipal government of the Town of Essex.

The Code of Conduct for Employees outlines the principles of good conduct and ethics that employees are expected to demonstrate in the performance of their duties. The Code of Conduct supplements statutes, legislation and policies that also govern the conduct of municipal government, including, but not limited to:

- Municipal Act, 2001;
- Municipal Freedom of Information and Protection of Privacy Act;
- Criminal Code of Canada;
- Ontario Human Rights Code;

- Occupational Health and Safety Act; and
- Town of Essex Policies, Procedures and By-Laws.

2.00 Purpose

The purpose of this Policy is to establish standards of conduct that are expected of employees to ensure employees carry out their duties in a manner that reflects the following six key principles:

2.01 Integrity

Integrity is the foundation of public service. Employees of the Town of Essex will uphold the highest standard of ethical behaviour including:

- a) Making impartial recommendations and decisions that benefit the municipality and are fair and equitable to all residents;
- b) Upholding both the letter and the spirit of Federal and Provincial laws and the laws and policies adopted by the Town; and
- c) Being free from undue influence and not acting for personal gain or the gain of an employee's family, friends or business interests.

2.02 Accountability

Employees are responsible for their decisions, including the act of not making a decision when a decision is expected or the act of making a decision that results in harm. Decision-making processes must be transparent and subject to public scrutiny.

2.03 Responsibility

Employees will act responsibly, within the law and within the Town's policies and procedures, including the Code of Conduct for Employees. This includes:

- a) Disclosing actual or potential conflicts of interest related to an employee's public duties;
- b) Taking steps to resolve a conflict for the protection of the public interest;
- c) Following the letter and spirit of policies and procedures; and
- d) Exercising all conferred powers strictly for the purpose for which the powers have been conferred.

2.04 Leadership

Employees will demonstrate and promote the key principles of the Code of Conduct through their decisions, actions and behaviour. An employee's behaviour must build and inspire the public's trust and confidence in municipal government.

2.05 Respect

Employees will conduct themselves respectfully, with decorum and with proper attention to the Town's policies and procedures and by-laws. They will treat each other and others with respect at all times, which includes not using derogatory language, respecting the rights of other people, treating people with courtesy, and recognizing the different roles others play in municipal government.

Employees will ensure that the workplace is free of discrimination, personal harassment and sexual harassment in accordance with the Respectful Workplace Policy.

2.06 Openness

Employees have a duty to be as open as possible about their actions. This means communicating appropriate information openly to Council and the public, promoting and supporting appropriate public participation, and communicating clearly.

3.00 Scope

This policy applies to all Town of Essex employees, including any union or non-union, regular full-time, part-time, temporary, casual or contract employee, as well as volunteer firefighters. This policy does not apply to Council Members. In the event that there is a conflict between the provisions of the Code of Conduct and a provision of an applicable Collective Agreement, the provisions of the Collective Agreement will prevail.

The Code of Conduct for Employees is applicable to employees in all workplaces of the Town of Essex, including workplaces of the Town at other locations and other venues attended by an employee in the course of their employment such as conventions, conferences, business travel, etc.

4.00 Definitions

In this policy:

“Chief Administrative Officer” means the individual appointed as the Chief Administrative Officer for the Town of Essex;

“Child” means a child born within or outside marriage and includes an adopted child and a person who a parent has demonstrated a settled intention to treat as a child of his or her family;

“Clerk” means the Clerk of the Town of Essex;

“Closed Meeting” means a meeting that is closed to the public in order that Council or a committee can consider confidential information as permitted by the Municipal Act, 2001 and the Town’s By-Law that provides for the rules of order and procedure for municipal Council and its committees;

“Complainant” for purposes of this Code of Conduct, means the individual(s) who has made an informal or formal complaint that an employee has contravened the Code of Conduct for Employees;

“Confidential Information” includes:

- a) Information in the possession of, or received in confidence by the Town that the Town is prohibited from disclosing, or has decided to refuse to disclose under the Municipal Freedom of Information and Protection of Privacy Act (MFIPPA), or any other law;
- b) Information of a corporate, commercial, scientific or technical nature received in confidence from third parties, personal information, information that is subject to solicitor-client privilege, information that concerns any confidential matters pertaining to personnel, labour relations, litigation, property acquisition, the security of property of the municipality or a local board, and any other information lawfully determined by the Council or the local board to be confidential, or required to remain or be kept confidential by legislation or order;
- c) A matter, the substance of a matter, and information pertaining to a matter that has been debated or discussed at a meeting closed to the public, unless the matter is subsequently discussed in open Council or it is authorized to be released by Council or the local board or otherwise by law;
- d) Reports of consultants, draft documents and internal communications which, if disclosed may prejudice the reputation of the Town, its officers and employees or its effective operation;
- e) Information concerning litigation, negotiation or personnel matters;
- f) Information, which if published may infringe on the rights of any person e.g. source of a complaint where the identity of a complainant is given in confidence.

“Council Members” refers to those individuals who have been elected to Council for the Town of Essex and are currently sitting as a member of Council in the capacity of Mayor, Deputy-Mayor or Councillor;

“Interests” for purposes of this policy, may take two forms, namely:

- a) **“Pecuniary (Financial) Interest”** for purposes of this policy means an interest that an employee has in a matter because of a reasonable likelihood or expectation of appreciable financial gain or loss to the employee or another person with whom the employee is associated.
- b) **“Non-Pecuniary (Non-Financial) Interest”** means private or personal interests or advantages that commonly arise out of a family or personal relationship, or involvement in sporting, social or other cultural groups and associations.

For purposes of this policy, the pecuniary or non-pecuniary interest of a parent, spouse, child, or friend of the employee shall, if known to the employee, be deemed to be also the pecuniary interest of the employee;

“Local Board” as defined in Section 1 of the Municipal Act, 2001 means a municipal service board, transportation commission, public library board, board of health, police services board, planning board, or any other board, commission, committee, body or local authority established or exercising any power under any Act with respect to the affairs or purposes of one or more municipalities, excluding a school board and a conservation authority;

“Outside Employment” for purposes of the Code of Conduct for Employees, includes employment for which a Statement of Remuneration Paid is issued by an employer, and includes self-employment in a business or professional organization in which the employee has significant ownership and involvement;

“Parent” means a person who has demonstrated an intention to treat a child as a member of his or her family, whether or not that person is the natural parent of the child;

“Spouse” means a person to whom the person is married or with whom the person is living in a conjugal relationship outside marriage and includes same-sex partners; and

“Workplace”, for purposes of this policy, includes any location in which work is carried out on behalf of the Town of Essex and is also applicable to any methods used to conduct work-related activities on behalf of the Town, including but not limited to—

- a) All work locations owned, rented or leased by the Town of Essex, including buildings , roads, etc.;
- b) Transportation used to conduct business on behalf of the Town of Essex, including vehicles, equipment, airlines, trains, buses, etc, regardless of whether they are owned, rented or leased by the Town of Essex;
- c) Restaurants, hotels or meeting facilities (for example, County Council Chambers) used for business-related purposes;
- d) Communication devices used to conduct Town of Essex business including telephones, cell phones, smart phones, email or any other method of communication; and
- e) Work-related social events regardless of whether the event is sponsored by the municipality.

5.00 Responsibility

5.01 Employees

All employees of the Town of Essex are responsible for familiarizing themselves and complying with the provisions of the Code of Conduct for Employees. Employees will be required to sign the form contained in Section 26.00 of this policy, acknowledging that they have read and understand the Code of Conduct for Employees.

5.02 Council and Management

Council and management are responsible for ensuring that employees receive adequate and appropriate information in relation to the provisions of this Code of Conduct and receive a copy of the Code of Conduct for Employees and any related schedules or amendments thereto.

6.00 Conflict of Interest

Public confidence in the Town of Essex is at risk when the conduct of an employee involves, or appears to involve, a conflict of loyalties, usually stated as a conflict between public duty and private interests.

To ensure that the public duty and trust is served, employees are required to:

- a) Consider the general wellbeing of the community when making decisions, without improper advantage to any person or group;
- b) Minimize the potential for conflict between personal interests, whether pecuniary or non-pecuniary, and the requirements of public duty; and
- c) Resolve any conflict, including an apparent conflict, between public duty and private interests, as quickly as possible and in favour of the public interest.

Where a pecuniary or non-pecuniary interest arises, the employee shall immediately withdraw from any involvement in such matter and report such pecuniary or non-pecuniary interest to their direct supervisor.

Supervisors who receive a report of a pecuniary or non-pecuniary interest from an employee are required to give it due consideration, obtain advice and assistance from the Manager, Human Resources, the Director of the Department, or the Chief Administrative Officer as necessary and provide direction to the employee with respect to the resolution of the conflict of interest.

7.00 Disclosure of Outside Employment

Full-time employees of the Town of Essex shall devote themselves exclusively to the business and affairs of the Town and shall not, during the term of their employment, be employed or engaged in any capacity in promoting, undertaking or carrying on any other business that conflicts or may potentially conflict with the employee's employment duties with the Town of Essex, without prior written approval of the Chief Administrative Officer. A form for Disclosure of Outside Employment as set out in Appendix A must be completed upon commencing full-time employment with the Town. In the event that a full-time employee wishes to accept outside employment they shall complete a Disclosure of Outside Employment Form and obtain the written approval of the Chief Administrative Officer prior to accepting the outside employment. Approval of Outside Employment by the Chief Administrative Officer shall not be unreasonably withheld.

Full-time employees who have outside employment are not permitted to perform any activities related to the outside employment during their work time at the Town of Essex, including soliciting for a business owned by the employee. Outside employment must not restrict the ability of an employee to be on call or to work irregular hours if the need to be on call or work irregular hours is a requirement of their position with the Town.

8.00 Gifts and Benefits

Employees shall not accept a fee, advance, gift or personal benefit, advantage or service (e.g. gift, loan, discount, other consideration) that is connected directly or indirectly with the performance of their duties, unless permitted by the exceptions listed below.

For purposes of this policy, a fee or advance paid to or a gift, benefit, advantage or service provided with the employee's knowledge to an employee's spouse, child, or parent is deemed to be a gift to that employee.

The following are recognized as exceptions:

- a) Compensation authorized by law;

- b) Services provided without compensation by persons volunteering their time;
- c) A suitable memento at a function to honour an employee or to honour an event;
- d) Food, lodging, transportation and entertainment provided by federal, provincial, regional and local governments or political subdivisions of such, or by a conference, seminar or event organizer where the employee is either speaking or attending in an official capacity; and
- e) Food and beverages consumed at banquets, receptions or similar events, if:
 - Attendance serves a legitimate business purpose;
 - The person extending the invitation or a representative of the organization is in attendance;
 - The value is reasonable and the invitations infrequent; and
 - Other items that are minor in nature, including:
 - i. Small holiday gifts of appreciation, such as cards, cookies or chocolates;
or
 - ii. Advertising materials such as calendars, magnets, scratch pads, pens, t-shirts or baseball caps;

With the exception of category b), the exceptions do not apply where such gifts or benefits are provided by an individual lobbying an employee with respect to the:

- a) Development, introduction or amendment of a by-law or resolution on any matter;
- b) Procurement of goods or services and awarding of a contract by the Town;
- c) Development, amendment or termination of a policy;
- d) Approval, approval with conditions or denial of an application for a service, planning application, permit or other licence or permission;
- e) Determination of the method for delivering a service.

In the case of the exceptions noted above, but excluding a) and b), no employee shall accept a gift or benefit worth in excess of \$50 or gifts or benefits from one source during a calendar year worth in excess of \$50.

9.00 Confidential and Other Information

No employee shall disclose, release or publish by any means to any person or to the public or any other staff member any Confidential Information, as defined in Section 4.00, "Definitions", acquired by virtue of his or her employment, in any form, except when required authorized by Council or otherwise by law to do so. No Employee shall use Confidential Information for personal or private gain or benefit, or for the gain or benefit of any other person or body.

Matters discussed in a closed meeting shall remain confidential. No employee shall disclose the content of any such meeting, or the substance of deliberations of a closed meeting until the Council or committee discusses the information at a meeting that is open to the public or releases the information to the public. The foregoing shall not preclude the Chief Administrative Officer or his/her designate from disclosing information from a closed meeting to the Town's legal counsel for the purpose of obtaining legal advice.

Information collected or maintained by the Town shall only be used for the purpose for which it is collected or maintained, including subscriber information for recreation purposes, tax account and credit card information, applications for licences, etc.

Requests for information by the public should always be referred to the appropriate staff to be addressed as either an informal request for access to municipal records, or as a formal request under Municipal Freedom of Information and Protection of Privacy Act.

10.00 Use of Town Property, Services and Other Resources

Employees will not use, or permit the use of owned or leased Town land, facilities, equipment, supplies, services, staff or other resources for activities other than the business of the Town, except as permitted under the "Use of Town Vehicles, Equipment and Facility Resources Policy".

Employees shall not realize personal financial gain from the use or sale of intellectual property developed or owned by the Town (for example, creative writings and drawings, Town of Essex logo), technical innovations or other items capable of being patented.

11.00 Self-Governing Professions

Many employees of the Town are members of self-governing professions which have extensive codes of conduct. These codes of conduct will be considered part of the Town's Code of Conduct as if they were actually written into it, and a breach of these codes will be a breach of the Town's requirements. In the event that the codes of conduct of self-governing professions impose higher requirements than the Town's Code of Conduct, the higher requirements will prevail.

12.00 Conduct of Employees

12.01 Conduct at Meetings

At all meetings, including meetings of Council, its committees and local boards meetings of employees and meetings with the public, employees will conduct themselves with decorum in accordance with all applicable statutes, policies and procedures and, where applicable, the Town's By-Law that provides for the rules of order and procedure for municipal Council and its committees.

During meetings employees will use respectful language and behaviour to those in attendance at such meetings. Employees will not distract from the business of the Town during presentations and when Council Members, staff or members of the public are speaking.

During Council meetings employees will address the Mayor as "Mayor (*insert surname*)" or "Your Worship", the Deputy-Mayor as "Deputy Mayor (*insert surname*)" and Council Members as "Councillor (*insert surname*)". Before an employee may speak to any matter, he/she shall first be recognized by the person chairing the meeting.

No employee shall make false or malicious statements against a Council Member, member of the public or another employee during a meeting of Council, its committees and local boards or a meeting of employees.

12.02 Discreditable Conduct

As an employee of the Town, employees have the duty and responsibility to treat members of the public, Council Members, committee and board members and one another appropriately and without abuse, bullying or intimidation, and to ensure that the municipal work environment is free from discrimination and harassment.

An employee shall not use indecent, abusive or insulting words or expressions toward any other employee, any member of Council or any member of the public and shall not speak in a manner that is discriminatory to any individual based on that person's race, ancestry, place of origin, creed, gender, sexual orientation, age, colour, marital status or disability.

13.00 Safeguarding Equipment and Information

For purposes of their employment with the Town of Essex, employees may be provided with a computer, smart phone, cell phone and any other equipment deemed necessary to assist them in performing the duties of their position. All equipment provided, including licensed software programs and electronically created files and emails are considered the property of the Town.

Employees shall take all necessary precautions to protect this equipment, software and information from loss or damage and unauthorized use or access by persons other than themselves. Where appropriate, a user name and password is provided to protect the equipment from unauthorized use. Employees shall not share their user account information or passwords with any other person, including family members, friends, business associates and the general public.

Employees are required to read, understand and acknowledge that they have received policies related to the equipment provided by the Town.

14.00 Corporate Emails and Correspondence

Corporate emails and other types of correspondence provided to employees are the property of the Town. Emails and correspondence received by an employee is intended only for the use of the employee. Any disclosure, dissemination, reproduction or other use of any part of these communications is strictly prohibited

Requests for correspondence or emails provided to an employee by a member of the public should be referred to the Clerk.

Employees are required to read, understand and acknowledge that they have received policies related to the use of corporate computers, including but not limited to the Computer Data Sharing, Internet and E-mail Use Policy.

15.00 Smart Phone or Cell Phone Usage in Meetings

During meetings of Council, its committees and local boards, employee meetings and meetings with the public, employees shall turn their smart phone or cell phone to vibrate. Use of smart phones or cell phones during meetings shall be restricted to answering emergency calls only. In the case of an emergency call, employees shall excuse themselves from the meeting and take the call in another room or area.

16.00 Political or Religious Activity

While the Town respects an employee's right to his or her individual political and religious beliefs and practices, employees must not carry on these practices in a way that reflects upon the Town as an organization, or that affects other employees. Employees shall not carry on political activities or engage in religious advocacy on Town premises or facilities, or while representing the Town. This includes seeking contributions, campaigning and promoting political or religious causes, beliefs or practices. This in no way limits an employee's right to observe his or her individual political or religious beliefs and practices in a private manner that does not affect other employees.

17.00 Alcohol and Drugs

While on Town premises, participating in a Town-sponsored activity, working on behalf of the Town, or otherwise representing or being seen as representing the Town, employees are not permitted to be impaired by alcohol or drugs or be in possession of illegal drugs.

The consumption of alcohol on Town premises is only permitted at designated functions that have received either a one-time or ongoing approval from the Chief Administrative Officer or Council and are under the direct supervision of a manager who is responsible for the function.

Managers responsible for a function at which alcohol will be served must ensure that reasonable procedures and safeguards are in place so that any serving and consumption of alcohol is done safely and responsibly.

Employees who consume alcohol at a Town function, will do so responsibly and will not use any means of transportation that jeopardizes the employee's safety or the safety of others.

18.00 Environmental Responsibility

The Town is committed to acting responsibly in all of its activities by:

- Protecting and conserving the environment;
- Safeguarding the interests of its residents against unacceptable levels of environmental risk; and
- Supporting the principles of sustainable development.

Employees are responsible for taking reasonable care to ensure that the Town's business activities are conducted in an environmentally prudent way.

19.00 Disclosure

If you think you may be in violation of the Code of Conduct for Employees, address the situation and make full and prompt disclosure to your supervisor. Any suspected non-compliance by another employee must also be promptly reported to your supervisor.

Anyone who knowingly makes a false accusation about non-compliance will be subject to disciplinary action.

20.00 Complaint Protocol

The complaint protocol provides the framework for addressing complaints against employees of the Town of Essex who have potentially breached the Code of Conduct for Employees. This protocol shall not retroactively apply to any alleged transgressions occurring prior to the date on which this Code of Conduct was formally adopted by Council.

20.01 Complaint Investigator

20.01.1 Complaint against Chief Administrative Officer

The Manager, Human Resources shall have the authority to acquire the services of an independent third party to perform the duties of Complaint Investigator when a complaint is made against the Chief Administrative Officer.

20.01.2 Complaint against all Other Employees

The Chief Administrative Officer shall act as the Complaint Investigator when a complaint is made against any employee, excluding the Chief Administrative Officer. The Chief Administrative Officer shall also have the authority to delegate the role of Complaint Investigator to another employee of the Town of Essex or to acquire the services of an independent third party to perform the function of Complaint Investigator should the Chief Administrative Officer determine that the complaint would be better investigated by an independent third party.

20.02 Duties of the Complaint Investigator

The Complaint Investigator shall perform, in an independent manner, the following duties:

- a) Complaint Investigation

The Complaint Investigator will have the power to assess and investigate formal written complaints respecting alleged contraventions of the Code of Conduct for Employees.

b) Complaint Adjudication

The Complaint Investigator will determine whether an employee has in fact violated a protocol, by-law or policy governing their behaviour, with the final decision-making authority to impose the recommendations of the Complaint Investigator resting with:

- i. Council in the case of a complaint against the Chief Administrative Officer;
- ii. The Chief Administrative Officer, in consultation with Council and the Manager, Human Resources, in the case of a complaint against a Director resulting in termination, or with the Chief Administrative Officer, in the case of a complaint against any other employee, excluding the two exceptions noted previously.

c) Annual Reporting

The Complaint Investigator will provide Council, through the Clerk's office, with an annual report on findings of any complaint cases. Where the Complaint Investigator is an independent third party, the findings of the Complaint Investigator will be reported to Council by the individual who acquired their services, namely the Chief Administrative Officer or the Manager, Human Resources.

21.00 Informal Complaint Procedure

Individuals, excluding Council Members, who have identified or witnessed behaviour or an activity by an employee, in their capacity as an employee of the Town of Essex or in their capacity as staff representative or secretary on committees and local boards, that they believe is in contravention of the Code of Conduct may address the prohibited behaviour or activity themselves in the following manner:

- a) Advise the employee that their behaviour or activity appears to contravene the Code of Conduct;
- b) Encourage the employee to cease the prohibited behaviour or activity;
- c) Keep a written record of the incidents, including dates, times, locations, other persons present and any other relevant information;
- d) If applicable, confirm to the employee that they are satisfied with the response they received, or alternatively, advise the employee of their dissatisfaction with the response;
- e) Consider the need to pursue the matter in accordance with the Formal Complaint Procedure (Section 22.00).

While individuals, excluding Council Members, may pursue this Informal Complaint Procedure as a means of stopping and remedying a behaviour or activity that is prohibited by the Code of Conduct, a person is not required to undertake the Informal Complaint Procedure prior to pursuing the Formal Complaint Procedure.

Council Members who have identified or witnessed behaviour or an activity by an employee that they believe is in contravention of the Code of Conduct shall follow the Formal Complaint Procedure.

22.00 Formal Complaint Procedure

Individuals who have identified or witnessed behaviour or an activity by an employee, in their capacity as an employee of the Town of Essex or in their capacity as a staff representative or secretary on a committee or local board, that they believe is in contravention of the Code of Conduct may address the prohibited behaviour or activity by filing a formal complaint.

A formal complaint may be made in the following manner:

22.01 Complaint Form

- (a) A request for an investigation of a complaint that an employee has contravened the Code of Conduct shall be in writing using the Formal Complaint Form attached hereto as Appendix B;
- (b) All complaints shall be signed by an identifiable individual; and
- (c) A complaint shall set out reasonable and probable grounds for the allegation that the employee has contravened the Code of Conduct and shall provide evidence in support of the complaint.

22.02 Filing a Complaint

In the case of a complaint against an employee, excluding the Chief Administrative Officer, the completed Formal Complaint Form shall be filed with the Chief Administrative Officer for a determination as to whether the matter is a complaint with respect to non-compliance with this Code of Conduct.

In the case of a complaint against the Chief Administrative Officer, the completed Formal Complaint Form shall be filed with the Manager, Human Resources who, in accordance with Section 20.00, "Complaint Protocol", shall appoint an independent investigator to act as the Complaint Investigator for purposes of determining whether the matter is a complaint with respect to non-compliance with this Code of Conduct.

22.03 Review of Complaint by Complaint Investigator

The Complaint Investigator will review the formal complaint for purposes of determining if the complaint is related to non-compliance with the Code of Conduct or whether the complaint is related to other legislation or another policy.

If the complaint is not related to non-compliance with the Code of Conduct, the Complaint Investigator shall advise the complainant in writing as follows:

- (a) If the complaint on its face is an allegation of a criminal nature consistent with the Criminal Code of Canada, the complainant shall be advised that, should they wish to pursue the complaint, they must do so with the police;

- (b) If the complaint on its face is with respect to non-compliance with a more specific corporate policy with a separate complaint procedure, the complainant shall be advised that the matter will be processed under the procedure provided for in that policy;
- (c) In all other cases, the complainant shall be advised that the matter is not within the jurisdiction of the Complaint Investigator to process, with any additional reasons and referrals as the Complaint Investigator deems appropriate.

22.04 Refusal to Conduct Investigation

The Complaint Investigator shall not conduct an investigation of a complaint or may terminate an investigation where, in the opinion of the Complaint Investigator:

- (a) The complaint is frivolous, vexatious, without substance, or not made in good faith;
- (b) There are no grounds or insufficient grounds for an investigation; or
- (c) The complaint is not germane to the Code of Conduct.

22.05 Investigation of Complaint

If the Complaint Investigator determines that a complaint is related to non-compliance with the Code of Conduct, the Complaint Investigator shall investigate and attempt to settle the complaint.

The Complaint Investigator will proceed to investigate the complaint in the following manner:

- (a) Serve the complaint and supporting material upon the employee whose conduct is in question with a request that a written response to the allegation be filed with the Complaint Investigator within ten business days; and
- (b) Serve the complainant with a copy of the employee's written response with a request that the complainant provide a written response to the Complaint Investigator within ten business days.

After reviewing the written materials, the Complaint Investigator may speak to anyone relevant to the complaint, access and examine any relevant information, and enter any municipal or local board work location relevant to the complaint for the purposes of investigation.

Where the duties of the Complaint Investigator are performed by an independent third party, access to the complainant, the employee, Council and other information relevant to the complaint by the Complaint Investigator shall be coordinated through the individual who acquired their services, namely the Chief Administrative Officer or the Manager, Human Resources.

The Complaint Investigator shall not issue a report finding a violation of the Code of Conduct on the part of any employee unless the employee has had 10 days' notice of the basis for the proposed finding and any recommended sanction and has had an opportunity to respond in writing within 10 business days to the Complaint Investigator on his/her findings and recommended sanction.

22.06 Reporting on an Investigation

Where the services of an independent third party are acquired to investigate a complaint, the Complaint Investigator may make interim reports to the Chief Administrative Officer or Manager, Human Resources as required to address any instances of delay, interference, obstruction or retaliation encountered during the investigation, or as otherwise deemed necessary by the Complaint Investigator.

The Complaint Investigator shall report the general findings of his/her investigation to the complainant and the employee no later than 90 days after the making of the complaint and the report will indicate when the Complaint Investigator anticipates presenting his/her recommended corrective action(s) for Council's consideration, if applicable.

Where a complaint is sustained in whole or in part and the Complaint Investigator is an independent third party, the Complaint Investigator shall report to the individual who acquired their services, namely the Chief Administrative Officer or the Manager, Human

Resources, outlining their findings and recommended corrective action. A report resulting from a complaint against the Chief Administrative Officer will be provided to the Personnel Committee by the Manager, Human Resources for purposes of seeking approval to proceed with any disciplinary actions.

If a complaint is dismissed, the Complaint Investigator shall only report the details of the investigation and dismissal as part of an annual report to Council.

22.07 Recommendations of the Complaint Investigator

Any recommendations for disciplinary action by the Complaint Investigator must be permitted by law and shall be designed to ensure that the inappropriate behaviour or activity does not continue. Any contravention of the Code of Conduct may result in disciplinary action, up to and including termination of employment.

The Chief Administrative Officer, in consultation with the Manager, Human Resources, shall have the authority to approve any disciplinary action deemed appropriate for a contravention of the Code of Conduct by any employee, with the exception of the Chief Administrative Officer. Disciplinary action which involves termination of a Director shall be in accordance with the Delegation of Authority By-Law. Disciplinary action involving the Chief Administrative Officer shall be approved by Council.

22.08 Employee not in Contravention

If the Complaint Investigator determines that there has been no contravention of the Code of Conduct, that a contravention occurred which an employee took reasonable measures to prevent, or that the contravention that occurred was trivial or committed through inadvertence or an error of judgement made in good faith, the Complaint Investigator shall so state in the report and shall recommend that no penalty shall be imposed.

22.09 Duty of Confidentiality

All employees and other persons who are aware of a complaint that an employee has breached the Code of Conduct for Employees, or are involved in its investigation and/or resolution, must recognize the seriousness of the situation and respect the sensitivity and confidentiality that must be accorded to the matter. They must refrain from discussing the complaint amongst themselves or with anyone who does not have a 'need to know'. Every effort must be made to preserve the dignity and self-respect of the parties to the complaint. All information and documentation concerning a complaint will therefore be kept and transmitted as confidential/protected material. The Town will only release as much information as is necessary to investigate and respond to the complaint or if required to do so by law. Those who do not fully respect such confidentiality may be subject to discipline.

Out of respect for the relevant individuals, it is also essential that the complainant, respondent, witnesses and anyone else involved in the formal investigation of a complaint maintain confidentiality throughout the investigation and afterwards.

22.10 Referral to Appropriate Authorities

If the Complaint Investigator, when conducting an inquiry, determines that there are reasonable grounds to believe that there has been a contravention of any other Act or of the Criminal Code of Canada, the Complaint Investigator shall immediately refer the matter to the appropriate authorities and suspend the inquiry until any resulting police investigation and charge have been finally disposed of. Such matters will only be reported to Council as part of the annual reporting requirement.

23.00 Annual Report by the Complaint Investigator

The Chief Administrative Officer shall report to Council on complaints received and dealt with during a calendar year, with the exception of any complaints received against the Chief Administrative Officer. The Chief Administrative Officer may also

report on complaints that were received but were not within the jurisdiction of the Complaint Investigator.

The Manager, Human Resources shall report to Council on complaints received against the Chief Administrative Officer and dealt with during a calendar year. The Manager, Human Resources may also report on complaints that were received but were not within the jurisdiction of the Complaint Investigator.

Should no complaints be received within a calendar year, the Chief Administrative Officer and/or the Manager, Human Resources will advise the Clerk that no annual report will be made and the Clerk shall advise Council accordingly.

24.00 Reprisals and Obstruction

Employees shall respect the integrity of the Code of Conduct and investigations conducted under it. Any reprisal or threat of reprisal against a complainant or anyone for providing relevant information to the Complaint Investigator is prohibited. It is also a violation of the Code of Conduct to obstruct the Complaint Investigator in the carrying out of his/her responsibilities including, but not limited to, the destruction of documents, the erasing of electronic communications, etc.

25.00 Agreement with the Canadian Union of Public Employees

Where a conflict exists between the Code of Conduct for Employees and the Agreement between the The Corporation of the Town of Essex and the Canadian Union of Public Employees, Local 702.3 (CUPE), the wording of the Agreement with CUPE will take precedence.

26.00 References and Related Documents

Other applicable information includes, but is not limited to, the following:

- Criminal Code of Canada;
- Ontario Human Rights Code;
- Occupational Health and Safety Act;
- Respectful Workplace Policy Number 016;
- Use of Corporate Resources for Election Purposes Policy Number 011;
- Blackberry (Smart Phone) Policy Number 005;
- Communications and Media Relations Policy Number 019;
- Corporate Use of Social Media Policy Number 023
- Personal Use of Social Media Policy Number 024
- Use of Town Vehicles, Equipment and Facility Resources Policy Number 020;
- Telephone Use Policy Number 008
- Computer Use and Email Policy; and
- By-Law to Provide for the Rules of Order and Procedure for the Municipal Council of The Corporation of the Town of Essex and its Committees.

27.00 Acknowledgement

I, _____, acknowledge that I have read and understand the Code of Conduct for Employees.

Name: _____

Signature: _____

Date: _____

Appendix A

28.00 Disclosure of Outside Employment

In accordance with Section 7.00 of the Code of Conduct for Employees, full-time employees are expected to devote themselves exclusively to the business and affairs of the Town and are not permitted to be employed or carry on any other business that conflicts with their employment duties. Prior to accepting Outside Employment, full-time Employees are required to obtain the written approval of the Chief Administrative Officer to accept Outside Employment by completing the form below and submitting it to the Chief Administrative Officer.

Employee Name: _____

Position/Title: _____

Department: _____

Name of Employer for Outside Employment: _____

Type of Work: _____

Time Commitment for Outside Employment: _____

I acknowledge that the information provided above is true and correct, and that my time commitment to this Outside Employment does not create a conflict of commitment that would interfere with my employment duties with the Town of Essex.

Signature of Employee

Date

Reviewed by:

Name: _____

Date: _____

Outside Employment: Approved Not Approved

Signature of Chief Administrative Officer: _____

Appendix B

30.00 Formal Complaint Form

(under Policy Number 033, Code of Conduct for Employees)

Please note that submitting a false, vexatious or frivolous complaint may expose you to disciplinary action up to and including dismissal.

Complaint of:

(full name)

of the _____ of _____ in
(Town/City, etc. of residence)

the County of _____, in the Province of Ontario, make oath and say:

1. I have personal knowledge of the facts as set out in this complaint, because

(insert reasons i.e. I work for...; I attended the meeting at which...; etc.)

2. I have reasonable and probable grounds to believe that an employee,

(specify name of employee)

has contravened Section(s): _____ of the Code
of Conduct for Employees, the particulars of which are summarized in 7 below.

3. Date and time of Incident(s): _____

4. Individual(s) involved in Incident(s), including witness(s) to the Incident(s). (Please indicate if different individual(s) were involved or witnessed the Incident(s) on different dates.) _____

This complaint is made for the purpose of requesting that this matter be reviewed in accordance with the provisions of the Code of Conduct for Employees.

(Signature of Complainant)

Date