

Resort Village of Candle Lake

Policy

Category Employee Relations	Date Established: December 11, 2015
Responsible Office: Administration	Date Last Revised: December 11, 2015
Responsible Manager Administrator	Effective date: December 11, 2015 Policy Number: 300-50
Council Resolution Number: 329/2015	Replaces Policy Number: N/A

Summary

This Policy is to establish a Code of Conduct that outlines expected behavior of the employees and in particular, any actions that may be deemed to be conflicting with the employees job or position.

Policy

1. POLICY STATEMENT: Our employees must observe the highest standards of conduct in the performance of their duties, regardless of personal consideration. Employees must avoid situations in which their personal interest conflicts, or appears to conflict, with the interests of the municipality in their dealings with persons doing or seeking to do business with the municipality.

Employees must not engage in any conduct or activity that contravenes our by-laws or any law in force in Saskatchewan which might:

- detrimentally affect the municipality's reputation;
- make the employee unable to properly perform his or her employment responsibilities;
- cause other employees to refuse or be reluctant to work with the employee; or
- otherwise inhibit the municipality's ability to efficiently manage and direct its operations.

1.01 Employees of the Resort Village of Candle Lake are expected to conduct themselves with personal integrity and ethics and avoid placing themselves in situations where their personal interests actually or potentially conflict with the interests of the Village.

1.02 No civic employee shall use his position or special knowledge to gain an advantage not otherwise available to members of the public.

1.03 No civic employee shall grant any special consideration, treatment or advantage relative to Village business to any individual, organization or corporation beyond that which is available to every other individual, organization or corporation.

1.04 No civic employee shall engage in any business or other transaction or shall have a financial or personal interest therein, either directly or indirectly, which is incompatible with the proper discharge of his official duties in the public interest. This includes conducting private business on municipal paid time unless it is during break/lunch periods.

1.05 All civic employees shall disclose to their superiors any business, commercial, financial or other interest where such interest could be construed as being in actual or potential conflict with their official duties in the public interest.

- 1.06 No civic employee shall accept any gift or benefit, whether in the form of goods, services, loans or favours, from any individual, organization or corporation which is interested directly or indirectly in dealing with the Village, subject to normal exchange of hospitality between persons doing business together.
- a) The personal acceptance of any such gift or benefit may be construed as an inducement for an employee to perform or fail to perform a duty resulting in the donor receiving treatment or advantage beyond that which is available to other citizens.
 - b) An employee may, however, accept a gift which represents the normal exchange of gifts among friends, tokens exchanged as a part of protocol, or normal presentations made to persons participating in public functions. For example, items exchanged in business such as books, calendars, etc. or which are considered to be a normal exchange of hospitality, such as a business lunch, are acceptable.
 - c) Any gift received by an employee that exceeds \$100 must be disclosed to the Administrator.
- 1.07 All civic employees shall not engage in any outside work or business activity that:
- a) conflicts with their duties as municipal employees;
 - b) forms part of a submission to the Village for review and/or approval;
 - c) uses their knowledge of confidential plans, projects or information about the holdings of the corporation;
 - d) will, or is likely to, negatively influence or interfere with the performance of their duties as municipal employees; and
 - e) involves the use of Village property, equipment including vehicles, cell phones, computers, or supplies.
- 1.08 Violation of this policy constitutes grounds for disciplinary action up to and including termination of employment.

2. BACKGROUND: With the adoption of Bill 186 of 2015, it became mandatory to have a written policy regarding a Code of Conduct for Municipal employees.

3. PURPOSE: This Code of Conduct is intended to:

- provide an understanding of the fundamental rights, privileges and obligations of municipal employees;
- protect the public interest;
- promote high ethical standards among municipal employees;
- provide a means for municipal employees to obtain authorization for conduct in circumstances where they are uncertain as to the ethical appropriateness of that conduct; and
- set out the corrective measures for unethical conduct.

4. CONFIDENTIALITY:

Every municipal employee must hold in strict confidence all information of a confidential nature acquired in the course of his or her employment with the municipality. Confidential information means information that is not part of the public domain and information designated by council as confidential, such as personal information, internal policies, items under any legal proceeding, etc.

Without restricting the scope of this principle, it is considered a breach of the Code of Conduct for an employee to use information that is obtained as a result of his or her employment and that is not available to the public to:

- further, or seek to further, his or her private interests or those of his or her family; or
- seek to improperly further another person's private interests.

5. USE OF INFLUENCE:

The municipality strives to ensure fairness and objectivity in its decision-making process.

Without restricting the scope of this principle, it is considered a breach of the Code of Conduct for an employee to use his or her position to seek to influence a decision of another person so as to:

- further, or seek to further, his or her private interests or those of his or her family; or
- seek to improperly further another person's private interests.

6. APPLICABILITY:

6.01 Dealing with Family, Friends, Business Associates, Former Business Associates and Voluntary Associates

- a) Civic employees who exercise regulatory, inspection and/or discretionary control over others must not give or appear to give preferential or detrimental treatment to family members, friends, business associates and/or former business associates.
- b) Civic employees who exercise regulatory, inspection and/or discretionary control over others must not give or appear to give preferential or detrimental treatment to any private or public body such as municipal council, school board or volunteer organization of which they are a member.

6.02 Public Employee's Professional Interaction with Family Members

Due to the fact that family ties vary from family to family, the Administrator must use his/her discretion in determining whether or not a conflict of interest situation exists due to the interaction of a civic employee and a family member.

6.03. Acceptance of Gifts

A civic employee should never accept any gift or service which could be viewed as a payment for services rendered through his/her employment in the public service.

6.04. Use of Information

- a) Civic employees are not prevented from using Village information which is available to the public in the management of their private affairs. However, where such information is not available to the public, public employees must manage their private affairs so that they nor their relatives, friends, business associates, or former business associates benefit or appear to benefit from the use of such information.
- b) A civic employee must not reveal Village information to any unauthorized individual prior to its public release date.

6.05. Future Employment

A civic employee should not let himself/herself be influenced in the carrying out of his/her responsibilities by the prospect of employment elsewhere.

6.06 Examples of Conflict of Interest Situations

The following is a short list of examples of conflict of interest situations; it is not intended to be all-inclusive:

- (a) Where the civic employee may influence the decision of the Village in dealing with a company which conducts business with the Village, when the company is largely owned or controlled by a civic employee or which s/he may have an interest;
- b) Where the civic employee may influence the decisions of Council in respect of a particular company or municipal body which is applying to the Village for a loan, grant or other advantages, when the civic employee has a significant responsibility in the affairs of the applicant, i.e. she/he is a trustee of land or other property;
- c) Ownership by a civic employee of land or other property where a property value may be influenced by the civic employee;
- d) Where a civic employee accepts favours from an individual, organization or corporation which deals or may deal with the Village and where the civic employee is or may be in a position to influence the dealings;
- e) When members of a civic employee's immediate family receive personal benefits as a result of the position of the civic employee.
- f) A conflict of interest, whether it has been declared or otherwise determined to exist, does not necessarily mean a wrongdoing has been committed, unless the actions:
 - a) interfere with the objective exercise of his/her duties in the civic service;
 - b) give rise to any unfair advantage by virtue of his/her position in the civic service.

7 DEFINITIONS:

- 7.01 **"Conflict of interest"** (COI) is a situation in which a person or organization is involved in multiple interests, financial interest, or otherwise, one of which could possibly corrupt the motivation of the individual or organization.
- 7.02 **"Immediate Family"** shall mean spouse or partner and dependent children.

8 RESPONSIBILITY: All employees are responsible for reading and understanding the Conflict of Interest Policy.

8.01 No "presumption of guilt" is created by the mere existence of a relationship with individuals, organizations or corporations. However, all civic employees shall disclose to their superior, knowledge of any business, commercial, financial or other interest where such interest could be construed as being in actual or potential conflict with their official duties in the public interest.

Contact Information

For further information on this policy, please contact the Resort Village of Candle Lake at 306-929-2236, fax 306-929-2201 or email rvcandlelakeoffice@sasktel.net

Date Approved: December 11, 2015

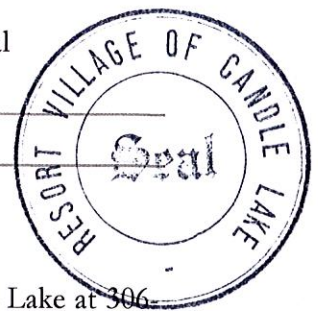
Mayor

John B. Quinn

Resolution Number: 329/2015

Administrator

J. Council



ATTACHMENT "A"

PROCEDURE

The following information may be updated from time to time

PROCEDURE

Employees are expected to comply with the Code of Conduct. Employees have a responsibility to request an interpretation of the Code from the municipality's senior administrative official (the Administrator) if they are unsure whether their behavior, circumstances, or interests contravene the Code.

Where an employee suspects that he or she is, or may potentially be, in conflict with any of the provisions of the Code, the employee must disclose the conflict or potential conflict in writing, to:

- his or her direct supervisor, in the case of any employee; or the supervisor must immediately advise the Administrator.
- Council or the Personnel Committee in the case of the Administrator.

The disclosure should include a detailed description of the conflict or potential conflict.

Where a disclosure is made, the matter will be treated seriously and in confidence. The supervisor must review the disclosure within five (5) business days, from the date the disclosure is made, and determine an appropriate course of action to address the actual or potential conflict.

A. GENERAL STATEMENT

The range and complexity of municipal government activities are such that it is not possible to produce a detailed complete list of all conflict of interest situations. The purpose of the guidelines is to clarify those activities which may constitute conflict of interest situations; they are not designed to be exhaustive.

B. EMPLOYEE DISCLOSURE REQUIREMENTS:

1. Outside Employment:

The following criteria should be used to assist in determining whether a public employee is involved in an activity (related or unrelated to his/her work in the public service) which constitutes outside employment:

- Self-employment;
- Activities from which there is a monetary reward;
- Activities where a service or advice is provided and an honorarium received.

If one or more of the above criteria are characteristic of the employee's activity, then such an activity is defined as outside employment.

Outside employment will be permissible as long as such employment:

- Is not forbidden by legislation;
- Does not interfere with the public employee's performance of his/her regular duties;

- Does not form any part of a submission to the Village for review and/or approval;
- Does not use advantages derived from employment in the public services;
- Does not involve the use of Village premises, supplies, equipment including cell phones and computers, and or government personnel, etc.
- Is not performed in a manner as to appear to be an official action or policy.

2. Management of Private Affairs and Investments

The intent of this section of the guidelines is to deal with the financial interest (both investments and private assets) a civic employee has which may put him/her into a conflict of interest with fulfilling the duties of his/her position with the Resort Village of Candle Lake.

Private affairs should be interpreted as private assets, such as ownership of property or indirect financial deals, or ownership such as the ownership of stocks or bonds, which might be or appear to be a conflict of interest.

If a civic employee perceives that a conflict of interest exists, or has the potential to develop, as the result of his/her financial dealings or the financial dealings of a relative or close associate, she/he must inform the Administrator. If the situation appears to suggest a conflict of interest, the department head shall submit the details of the alleged conflict to the Administrator, together with his/her recommendation. The Administrator shall take this recommendation into account when making his/her decision as to whether or not the situation constitutes a conflict of interest.

Examples of activities which are considered to be conflict of interest are as follows:

- A Village employee with substantial land holdings adjacent to Candle Lake holds a position with the Village that could be used to influence a decision which will cause the value of his/her property to rise substantially;
- A employee has friends or relatives in a business that the Village may tender for work. She/he could use the information gained on the job to ensure this firm submits the lowest tender.

3. Exceptions to the General Statement

Requirements of full disclosure to determine whether a Conflict of Interest exists has its' limitations. Matters of confidentiality and personal privacy need to be protected as the intent of this policy is not to deny employees the right to lead personal lives. If a supervisor becomes aware that a civic employee is involved in financial, commercial or business transactions which might constitute a conflict of interest, she/he may request that the civic employee provide sufficient information to help determine whether there a Conflict of Interest exists. If the information that is provided substantiates the department head's concerns, then she/he shall submit the details of the information to the Administrator, together with his/her account when making his/her decision as to whether or not the situation constitutes a conflict of interest.

4. Action to be Taken

a) Before a Conflict of Interest is perceived

- Where an individual believes that a real or perceived conflict may exist, the individual should first talk to their Administrator. Based on discussions with the Supervisor, the employee may be temporarily reassigned, or be asked to excuse themselves from a discussion, project or being involved in making a decision. Depending on the nature, the issue could also be brought forward to Council to make them aware of the situation.

b) After a Conflict of Interest is perceived

- Upon receipt of any information, the Administrator, will review the policy and determine whether the actions of the employee constitute inappropriate behaviour or whether the actions do not
 - interfere with the exercise of duties or decisions of the Village or
 - give rise to any unfair advantages by virtue of the employee's position.

If there is evidence of inappropriate behaviour, the Administrator has the following possible options for action available to him/her:

- Instruct the civic employee to divest himself/herself of those financial investments directly related to the conflict of interest;
- Remove the civic employee from the responsibilities which are causing the conflict of interest;
- Accept the civic employees' resignation;
- Recommend to Village Council that the situation be investigated.

D. APPEAL PROCESS

1. In-Scope Employees

If disciplinary action is taken against an in-scope employee for violation of the conflict of interest guidelines, and the employee feels that such action is unfair then she/he should follow the grievance procedure as established in her/her union's collective agreement.

2. Out-of-Scope Employees

If disciplinary action is taken against an out-of-scope employee for violation of the conflict of interest guidelines and the employee feels such action is unfair, then she/he should notify Village Council of his/her desire to appeal the decision. Village Council shall be informed of this fact, and shall appoint a committee of three members of Council to hear the appeal.