

**REGIONAL DISTRICT OF OKANAGAN-SIMILKAMEEN
BOARD POLICY**

POLICY: Employee Code of Conduct

AUTHORITY: Board Resolution No. B431/09 dated August 20, 2009.
Administrative Review dated September 20, 2019

POLICY STATEMENT:

Local Government is an open, accessible and accountable form of government. The Regional District of Okanagan-Similkameen (RDOS) will enhance the relationship of public trust and mutual respect that has evolved between government and the public by requiring high standards of ethical conduct by District employees.

AUTHORITY: RDOS Board of Directors

PURPOSE:

1. Provide a consistent understanding of the rights, privileges and obligations of District employees for their own protection.
2. To protect the public interest. The practical application of the Code's provisions to diverse situations may reveal gaps, ambiguities and inconsistencies in the Code. In these circumstances, the protections of the public interest, as it is consistent with the concept of "cause", is to be taken as the true underlying intent of the Code.
3. Promote high ethical standards among RDOS employees.
4. Provide a means for RDOS employees to obtain authorization for some contemplated conduct in circumstances where they are uncertain as to the ethical appropriateness of that conduct.
5. Set out the means of correcting unethical conduct.
6. Establishes that RDOS employees hold positions of privilege. Therefore, they must discharge their duties in a manner that recognizes a fundamental commitment to the well-being of the community, their fellow employees and regard for the integrity of the Corporation.
7. Sets out the understanding that where there is any conflict between the policies and procedures adopted by the RDOS and the policies and procedures set forth in a collective agreement adopted by the RDOS, or policies and procedures set forth in a statute of the Provincial or Federal Government, the collective agreement or the Provincial or Federal statute shall supersede such other policies.

DEFINITIONS:

1. RDOS Employees – includes all employees and officers of the RDOS as defined in all collective agreements and employment bylaws.

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2. Public Comment – disclosures made in a public speech, lecture, radio or television broadcast, in the press or book form.
 3. Cause – means sufficient or proper reason for discipline or discharge.
 4. Confidential Information – while the classification of information as “confidential” is a matter of administrative discretion whether labeled as confidential or not, disclosure of information will not constitute a breach of the Code of Conduct unless that information is of an inherently confidential nature such as:
 - (a) Personal data of employees or others.
 - (b) Records related to internal policies and practices which if disclosed may prejudice the effective performance of a municipal operation.
 - (c) Records of a financial nature reflecting information given or accumulated in confidence.
 - (d) Files prepared in connection with litigation and adjudicative proceedings.
 - (e) Reports of consultants, policy drafts and internal communications which, if disclosed, may prejudice the effective operation of an RDOS operation or impugn the reputation of any person.
 - (f) Any report prepared for the Board is to be released only by the Board.
 - (g) Information regarding the acquisition or disposal of land.
 5. Corporation – means the RDOS.

RESPONSIBILITIES:

1. RDOS Board shall:
 - (a) Make such revisions, additions or deletions to the Code of Conduct as may be justified under the concept of “cause”.
 - (b) Hear the appeals on actions taken concerning an employee’s ethical conduct by the CAO, but only those employees reporting directly to the CAO.
 - (b) Following the appeal, decide on the appropriate action in matters concerning the employee’s ethical conduct.
2. The CAO shall:
 - (a) Investigate allegations and inquiries relating to unethical conduct by employees.
 - (c) Decide on the appropriate action in matters concerning employee’s ethical conduct.
3. The Human Resources Department shall:
 - (a) Fully inform newly appointed employees of the ethical standards they are expected to observe. If requested, to obtain clarification of the specific ethical standards the employee will be required to observe in a particular position.
 - (b) Keep employees informed, on an ongoing basis, of the RDOS’s directive on ethical behavior.
 - (c) Prior to the making of an appointment to a position, request a disclosure of actual or potential conflicts of interest which would be brought about by that person’s employment in that position. In instances of actual conflict of interest, the matter shall be referred to the CAO for a decision on whether the applicant should be appointed the position.

4. All Employees of the Regional District of Okanagan-Similkameen shall:
Understand that local government is an open, accessible and accountable form of government. To enhance, and in some cases recapture, the relationship of public trust and mutual respect that citizens expect of their government requires high standards of ethical conduct by employees.

(a) Integrity

Ultimately, ethical behavior relies on the diligence of the individual. However, since a breach of ethics impacts not only the individual but also the RDOS, a code of conduct is the means by which the RDOS acknowledges their responsibility in this area, as well as their responsibility to provide clarity to their employees on what would be considered inappropriate behavior.

Without restricting the scope of this rule, the following shall be considered breaches of the Code of Conduct:

- (i) Conduct in one's private life or employment activities which harm the RDOS's reputation or renders the employee unable to perform his or her duties satisfactorily. What moral standard an employee must adhere to will vary with the employee's relationship with other employees, the RDOS and the public.
- (ii) Unless otherwise authorized, to use or permit the use of RDOS vehicles, equipment, materials or property for purposes other than RDOS business.
- (iii) To solicit patronage from elected local government authorities to further his or her personal interests or the interests of others, to the extent that any other citizen could not receive.
- (iv) To knowingly breach the law or any government regulation in the performance of his or her duties or to request others to do so.
- (v) To intentionally falsify any of the RDOS's records.

(b) Impartiality

Every RDOS employee must perform his or her duties in an impartial manner.

Without restricting the scope of this rule, the following shall be considered breach of the Code of Conduct:

- (i) No employee shall grant any special consideration, treatment or advantage in matters related to his or her employment to any citizen beyond that which is available to any other citizen.

(c) Conflict of Interest

Every RDOS employee shall avoid situations in which the employee has a personal interest sufficient to influence, or appear to influence, the objective exercise of that employee's authority. When an employee is, or believes he/she may be in a position of conflict of interest with regard to the RDOS, the employee should disclose this to their department manager, or in their absence, to the CAO and refrain from exercising his/her authorities relevant to the conflict until duly authorized.

Without restricting the scope of this rule, the following shall be considered breaches of the Code of Conduct:

- (i) Gifts and Benefits – the inherent pitfall in accepting gifts and benefits from outside sources is that regardless of the intent, in most instances the person

providing the gift has something to gain from the recipient. Gifts and other benefits are the most obvious means of wielding some kind of influence regardless of how innocuous the gesture may appear to be on the surface.

Where there is a role for “moderate hospitality”. Employees must consult with their supervisor to determine whether or not a specific gesture constitutes moderate hospitality.

Without restricting the scope of this rule, the following shall be considered breaches of the Code of Conduct:

- (A) An RDOS employee accepting gifts and benefits from firms or individuals.
- (B) An RDOS employee placing themselves in a position where they are under an obligation to favour an individual or organization.
- (C) An RDOS employee offering preferential treatment in the lease, rental, use or purchase of RDOS facilities, equipment or services without the prior authorization of the CAO.

(ii) Use of RDOS Property

This section regulates the “outside” use of regional district property by an employee.

Without restricting the scope of this rule, the following shall be considered breaches of the Code of Conduct:

- (A) An employee using the RDOS’s property, equipment, supplies or services for activities not associated with the discharge of official duties.
- (B) Employees using the RDOS’s property, equipment, supplies or services for personal gain.

(d) Outside Employment or Activities

Every RDOS employee must perform his or her duties to an acceptable level.

Without restricting the scope of this rule, the following shall be considered breaches of the Code of Conduct:

- (i) Where outside employment or activities reduce to an unacceptable level the interest or energy an employee devotes to his or her duties.
- (ii) Where the outside employment or activity is performed in such a way as to give the impression, even if done unintentionally, that the employee is acting in an official RDOS capacity or holding himself or herself out as representing an official RDOS point of view.
- (iii) Where an employee uses his or her position to solicit business on his or her own account during regular working hours for the RDOS.

(e) Financial Transactions

Every RDOS employee must adhere to RDOS bylaws and policies regarding any financial transaction.

Without restricting the scope of this rule, the following shall be considered breaches of the Code of Conduct:

- (i) Where the employee is in a position where he/she could derive any direct or indirect benefits or interest from any RDOS contract or business on which the employee can influence decisions.
- (ii) To buy surplus RDOS property where the employee can influence decisions with respect to the disposal arrangements. This restriction is not intended to prohibit any employee from surplus RDOS property which is offered for sale by public tender.
- (iii) Disposal of RDOS property, assets or services shall be in compliance with the RDOS purchasing bylaw or policies. At no time shall this benefit any individual employee or group of employees.

(f) Confidentiality

Every RDOS employee must hold in strictest confidence all information of a confidential nature acquired in the course of his or her employment with the RDOS.

Without restricting the scope of this rule, the following shall be considered breaches of the Code of Conduct:

- (i) To use confidential information which is not available to the general public and to which the employee has access by reason of his/her employment with the RDOS to further his/her personal interests or the interests of others.
- (ii) To disclose to unauthorized persons confidential information to which the employee has access by reason of his/her employment with the RDOS.

(g) Political Activity

RDOS employees are to be allowed as great a measure of political rights as can be reconciled with the need to ensure the fact and appearance of impartiality in the performance of their duties with the RDOS. The point at which an appropriate balance can be struck in any particular case depends primarily on the nature and level of the employee's responsibilities.

In accordance with S. 67 of the *Local Government Act* a District employee is not eligible to seek election to the RDOS Board. This article has no reflection on election to any other government body.

Without restricting the scope of this rule, the following shall be considered breaches of the Code of Conduct:

- (i) To use the authority or influence of his/her position with the RDOS on behalf of any political party or candidate.
- (ii) To engage during working hours in any activity for or against any candidate.
- (iii) A foundation of the employee/employer relationship is that the employee must show up for work and perform his/her duties to an acceptable level. Those employees elected to Provincial or Federal office would not likely be able to fulfill this obligation.

(h) Public Comment

Every RDOS employee shall display the reserve inherent in his/her position with the RDOS when publicly expressing his/her personal opinions on matters of political controversy or on existing or proposed regional district policy or administration. This Code is not intended to restrict the legitimate public comment of spokespersons or employee associations or the public comment of employees on matters of essentially a personal interest to the employee as opposed to an interest related to his/her employment with the RDOS.

Relations with the media shall be conducted such that only factual and objective information related to policies adopted by the Board shall be transmitted

Without restricting the scope of this rule, the following shall be considered breaches of the Code of Conduct:

- (i) To express publicly the employee's personal views on matters of political controversy or on RDOS policy or administration where to do so would impair the public's confidence in that employee's ability to perform his/her official duties with integrity and impartiality, or impair the ability of the RDOS Board or management to carry out its or their functions.
- (ii) Employees must refrain from putting forth speculative or subjective insights. .

NOTE: Employees should not assume that any unethical activities not covered by the Code of Conduct are permissible.

(i) Staff/ Board Relations:

RDOS employees must recognize the distinct roles of the elected and non-elected bodies within the RDOS. Simply stated, the Board is responsible for developing policy and staff is responsible for its implementation. A significant yet somewhat less-defined function of staff is the role of advisors to the Board. Because of the significance of this advisory role, it is important that staff avoid creating disparity by dealing with Board members in an equitable manner.

Without restricting the scope of this rule, the following shall be considered breaches of the Code of Conduct:

- (i) Employees who are found to fail to deal with all members of the Board in an objective and impartial manner at all times.
- (ii) Employees who are found to fail to recognize that elected officials are responsible for the establishment of policy and that employees are responsible for implementation of the directives originating from the Board and conduct themselves accordingly.

Good teamwork is based on "no surprises". RDOS employees, when requested to provide information to elected officials, should endeavour to provide that same information to all members of the Board.

Employees have the authority to refer elected officials to their manager if they are made to feel uncomfortable with any request for information, opinion or assistance by, or on behalf of, the elected official.

(j) Workplace Behaviours

(i) Professional Appearance:

The RDOS is confident that employees will use their best judgment in following acceptable dress standards.

Employees are expected to present a neat, clean and professional appearance at all times during working hours.

(ii) Scents:

Many people are sensitive to perfumes, deodorants, cleaning products, smoke, pet odours etc. and are expected to exercise discretion when using scented products in the workplace. Where possible scent-free alternatives will be considered.

(k) Attendance/Absence:

In general, employees who will be absent or late to work for any reason are responsible for notifying their manager or supervisor as soon as possible. The manager or supervisor will then relay the absence/lateness to the receptionist and the department for customer service purposes. Each department should keep records to ensure the same absenteeism standard is applied consistently.

PROCEDURES AND PROCESSES:

RDOS employees are encouraged to seek clarification from the CAO if they are uncertain as to whether an existing or contemplated action may contravene the code of conduct.

Complaints or inquiries concerning the ethical conduct of any RDOS employee shall be made in writing to the CAO. Complaints regarding the CAO shall be made to the RDOS Board Chair and, in this case, the Chair shall fulfill the obligations of the investigating officer in subsequent section.

All complaints or inquiries will be treated as confidential. If the employee is a member of the bargaining unit, such employees shall be allowed representation of the shop steward.

A copy or summary of any written or oral complaint received is to be sent immediately to the employee complained against with a request to provide a written answer to the complaint.

The CAO shall investigate:

1. All complaints or inquiries concerning the ethical conduct of an RDOS employee.
2. On his/her own initiative, the conduct of an RDOS employee where he/she determines an investigation warranted.
3. The CAO shall summarize the findings of the investigation in written or oral form and forward and/or present to the employee complained against and the complainant his findings on the appropriate course of action to be taken.
4. Where the CAO determines the conduct referred to him does breach the Code of Conduct, the CAO may:
 - (a) Instruct the employee to divest himself/herself of the outside interest or transfer it to a trust;
 - (b) Take disciplinary action in accordance with the normal progressive discipline system:
 - (i) An oral or written reprimand
 - (ii) Suspension with or without pay
 - (iii) Dismissal

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5. The employee against whom the complaint is directed, or who was inquiring as to the appropriateness of his/her conduct, and who was found to be in contravention by the CAO, shall have the opportunity to appeal the findings of the CAO in accordance with the process provided in the collective agreement or employment bylaw for their employee group.

ADMINISTERED BY:

Human Resources Department, Chief Administrative Officer