



Staff Report for Committee of the Whole Meeting

Date of Meeting: April 9, 2018
Report Number: [SRCAO.18.04]

Department: Office of the Chief Administrative Officer
Division: Strategic Initiatives

Subject: **SRCAO.18.04 – Employee Code of Conduct Update – Whistleblower and Legalization of Cannabis**

Purpose:

To propose amendments to the Town of Richmond Hill Employee Code of Conduct to: include specific provisions with respect to the reporting of wrongdoing (whistleblowing) and protections from reprisals for reporting such wrongdoings; and to clarify that impairment from the use of cannabis in the workplace, once it is legalized, is not permitted.

Recommendation(s):

- a) That Staff Report SRCAO.18.04 be received.
- b) That the proposed amendments to the Town of Richmond Hill Employee Code of Conduct as set out in Appendix A to Staff Report SRCAO.18.04 be approved and communicated to all staff.

Contact Person:

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Report Approval:

Submitted by: Gwen Manderson, Director of Strategic Initiatives

Approved by: Neil Garbe, Chief Administrative Officer

All reports are electronically reviewed and/or approved by the Division Director, Treasurer (as required), Town Solicitor (as required), Commissioner, and Chief Administrative Officer. Details of the reports approval are attached.

Background:

At the October 17, 2016 Committee of the Whole meeting and October 24, 2016 Council meeting, Council considered and approved updates to its Accountability and Transparency Policy (see [Staff Report SRCAO.16.24](#)).

At that time, Council passed the following motion:

“That staff be directed to report back on options for the development of a whistleblower policy for the Town, having regard to provincial legislation providing protection to provincial civil servants.”

At the October 2, 2017 Committee of the Whole meeting and the October 10, 2017 Council meeting, Council considered staff report SRCAO.17.25 which provided options related to the development of a whistleblower policy for the Town (see [Staff Report SRCAO.17.25](#)).

Staff Report SRCAO.17.25 presented Council with the following 3 options for consideration:

Option 1: Do not establish a separate whistleblower policy.

Option 2: Revise Employee Code of Conduct to include more specific whistleblower provisions.

Option 3: Establish a separate whistleblower policy.

Council passed the following motion at the October 10, 2017 meeting:

“b) That staff review and revise the Town’s Employee Code of Conduct to include more specific whistleblower provisions, as outlined in staff report SRCAO.17.25;

c) That staff be directed to report back on the implementation of the direction in clause (b) by the end of the first quarter of 2018.”

This report responds to this motion.

While the Employee Code of Conduct was under review, it was felt this was an appropriate time to address the pending legalization of cannabis and potential impairments in the workplace. This report provides an update on the status of the legalization of cannabis and proposes amendments to the “use of Drugs, Alcohol and Other Substances section of the Employee Code of Conduct.

Proposed Amendments to Employee Code of Conduct – Whistleblower Provisions

It is proposed that a new section be added to the Employee Code of Conduct entitled “Reporting of Wrongdoing and Protection from Reprisals”. (Appendix A to Staff Report

SRCAO.18.04 shows all of the proposed changes to the Employee Code of Conduct in red.)

In general, the proposed amendments:

- Add definitions of reprisals and wrongdoing;
- Set out a process for employees to report alleged wrongdoing; and
- Set out a process for reporting reprisals.

More specifically, all staff are expected to report an alleged wrongdoing to their Commissioner or the Director of Human Resources. In turn, the Commissioner or Director of Human Resources would report the alleged wrongdoing to the CAO. Once received by the CAO, the Director of Human Resources would coordinate any investigation as required. If an alleged wrongdoing implicates the CAO, the Director of Human Resources would inform the Mayor and the Director of Human Resources would coordinate any investigation as required. If an alleged wrongdoing is confirmed through an investigation, the staff person involved would be subject to discipline up to and including dismissal.

Any employee who disclose a wrongdoing are to fully cooperate with any investigation. In addition, the rights of all persons accused or suspected of a wrongdoing would be respected and the identity of individuals involved would be protected to the fullest extent possible. All information related to an allegation would be treated confidentially and investigation results would only be disclosed to those with a legitimate need to know.

In order to protect employees who report an alleged wrongdoing, protections from reprisals have been included in the proposed new section of the Employee Code of Conduct. More specifically, an employee may not be subjected to reprisals because they:

- Have sought information or advice about making a disclosure;
- Have made a disclosure in good faith;
- Have initiated, cooperated in an investigation or other process;
- Have appeared as a witness, given evidence or participated in a proceeding;
- Have alleged or reported reprisals;
- Are suspected of any of the above actions.

If any employee feels they have been subjected to a reprisal they would notify the Director of Human Resources or the CAO immediately. The Director of Human Resources or the CAO would ensure the employee is protected from any further reprisals and the Director would coordinate any investigation as required. If the allegations regarding reprisals are substantiated, the Director of Human Resources would notify the CAO and the employee involved would be subject to disciplinary action up to and including dismissal. Actions would also be taken to stop, reverse or remedy any reprisals that had been taken against the employee.

Proposed Amendments to Employee Code of Conduct – Legalization of Cannabis

In April 2017, the Federal Government introduced two pieces of legislation which would result in the legalization of cannabis in Canada. Bill C-45, *the Cannabis Act* sets out the federal framework for cannabis legalization (as of March 19, 2018 Bill C-45 has received all three readings in the House of Commons and is currently at the second reading stage in the Senate). Bill C-46 would make amendments to the Criminal Code such as addressing drug impaired driving (as of March 19, 2018 Bill C-46 has received all three readings in the House of Commons, and is currently at the Standing Senate Committee on Legal and Constitutional Affairs). It is anticipated that legalization of cannabis will take effect some time during the summer of 2018.

In September 2017, the Ontario Government announced a proposed framework to govern the use and sale of recreational cannabis. In November 2017, the Government introduced Bill 174, *the Cannabis, Smoke-Free Ontario and Road Safety Statute Law Amendment Act, 2017*. This Bill was passed and received Royal Assent on December 12, 2017.

Staff Report SRCAO.17.30 setting out the status of the legalization of cannabis at that time was presented to Committee of the Whole on December 4, 2017 and Council on December 11, 2017 ([see Staff Report SRCAO.17.30](#)). Council passed a motion indicating that the Town of Richmond Hill was not a willing host of a cannabis retail location in our community. It also indicated “that upon legalization, the Town’s Employee Code of Conduct be updated to add cannabis as one of the substances that must not impair an employee at work”.

In response to this motion, it is proposed that the section of the Employee Code of Conduct entitled “Use of Alcohol, Drugs and Other Substances” be amended to make it clear that while at work employees may not be “impaired by the use of alcohol, cannabis, medication or illicit drugs”. It also states that the sale, unlawful possession, manufacture or distribution of alcohol, cannabis, legal, illicit drugs or non-prescribed medication for which a prescription is legally required during work hours is prohibited”. Please see Appendix A to Staff Report SRCAO.18.04 for more specific details. Council and staff continue to monitor the issue of the legalization of cannabis and the impacts it may have on the municipality.

Other Administrative Amendments to the Employee Code of Conduct

As the Employee Code of Conduct is being amended, the following administrative changes are also being proposed:

- Updates to the titles of senior staff as required;
- Update to the list of policies that are related to the Employee Code of Conduct; and
- Other minor amendments such as additional definitions and correct references to legislation for clarification purposes.

All proposed amendment may be found in Appendix A to Staff Report SRCAO.18.04 and are marked in red.

If Council approves the proposed amendments to the Employee Code of Conduct, staff will be made aware of the updated provisions.

Financial/Staffing/Other Implications:

There are no financial/staffing or other implications as a result of this report.

Relationship to the Strategic Plan:

Reviewing and updating the Employee Code of Conduct to address whistleblowing, protections from reprisals and the legalization of cannabis supports Goal 4 of the Strategic Plan, wise management of resources. By ensuring that appropriate protections are in place for our employees we are creating a safe and healthy workplace where staff are able to provide effective services to our residents. This supports our mission of providing exceptional public service to our community.

Conclusion:

Amending the Employee Code of Conduct to address the issues of whistleblowing and protection from reprisals for employees who take such actions helps ensure we have a safe and healthy workplace. As directed by Council, specific provisions are proposed to set out a process for reporting an alleged wrongdoing and reporting if reprisals take place for making such a report. With the pending legalization of cannabis, it is also important to ensure that the expectation of employees not being impaired while at work is clear and includes impairment as a result of cannabis consumption.

Attachments:

The following attached documents may include scanned images of appendixes, maps and photographs. If you require an alternative format please call contact person listed in this document.

- Appendix A – Proposed Amendments to the Richmond Hill Employee Code of Conduct

Appendix A – Proposed Amendments to the Richmond Hill Employee Code of Conduct

Policy

Policy Name:	Employee Code of Conduct
Policy Owner:	Director of Human Resources
Approved by:	Council
Effective Date:	January 7, 1991
Date of Last Revision:	September 11, 2006; April 2018
Review Date:	As required
Procedure Status:	Revision to original policy

Purpose:

The Town of Richmond Hill is committed to achieving the highest standards of conduct among its public service employees which is essential to maintaining and ensuring the public trust and confidence in the Town's administration and operations. The citizens of Richmond Hill have a right to expect a public service which is conducted with professionalism, objectivity, impartiality and integrity. It is this special obligation to Richmond Hill citizens that requires there not be, nor seem to be, any conflict between the private interests of employees and their duty to the public. All Town of Richmond Hill employees are expected to behave in a professional and responsible manner, both to members of the public and to each other.

At the same time, it is recognized that employees should enjoy the same rights in their private dealings as any other citizens unless it can be demonstrated that a restriction is essential to support the public interest.

The purpose of this Code of Conduct is to set out clear guidelines as to acceptable behaviour by all levels of staff. Setting out these specific guidelines demonstrates to all our customers how seriously we take our professional responsibility of providing quality services in an impartial and efficient manner.

Definitions:

For the purposes of this Code, the following **17** definitions apply:

“administrator” means the CAO, Commissioners and the Director of Human Resources **Services** who are the primary individuals responsible for the administration, interpretation and enforcement of this Code in a reasonable and consistent manner.

“CAO” means the Chief Administrative Officer of the Town of Richmond Hill.

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

“Code” means this Employee Code of Conduct as it applies to staff of the Town of Richmond Hill.

“Commissioner” means the head of a Department.

“employee” means all full-time and part-time persons hired by the Town of Richmond Hill including the CAO, Commissioners, Directors, Managers, Supervisors, Salaried Employees’ Association staff, members of C.U.P.E. Local 905, members of the Richmond Hill Professional Fire Fighters Association, Local 1957, Administrative staff, contract and temporary employees, students, secondments, and co-op placement staff.

“family member” means his or her spouse, child or parent.

“hospitality” means instances where there is entertainment of or by outside parties for the furtherance of municipal business.

“MFIPPA” means *the Municipal Freedom of Information and Protection of Privacy Act, R.S.O. 1990, c.M.56.*

“parent” means a person who has demonstrated a settled 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.

“reprisal” means any measure taken or threatened as a direct result of disclosing or being suspected of disclosing an allegation of wrongdoing, initiating or cooperating in an investigation into an alleged wrongdoing and includes but is not limited to: disciplinary matters; demotion of the employee; suspension of the employee; termination of the employee; intimidation or harassment of the employee; any punitive measure that adversely affects the employment or working conditions of the employee and directing or counseling someone to commit a reprisal.

“spouse” means a person to whom the person is married or with whom the person is living in a conjugal relationship.

“supervisor” is the person to whom an employee reports directly

“Town facilities” means all lands, buildings and other structures owned, leased, operated or otherwise controlled by the Town, and the things growing upon or affixed thereto, including but not limited to, all Town administrative offices, operations centres, community centres, parks and sports fields, fire stations, libraries and highways.

“Town property” means any and all Town facilities, staff and tangible and intangible goods and or services owned, controlled, leased, acquired, or operated by the Town

including but not limited to: furnishings, materials, equipment, monetary funds, technology, information systems and resources, databases, intellectual property, supplies and all services provided by either Town staff or to the Town by third parties.

“Town record” means a record as defined under MFIPPA.

“wrongdoing” means any illegal or inappropriate conduct, including but not limited to:

- Crime or suspected criminal activity;
- Fraud or theft;
- The wrongful or unauthorized acquisition, use, appropriation or disposal of Town property;
- Falsification, alteration or manipulation of Town records;
- The misuse of position for personal gains; and
- Financial irregularities, including but not limited to: forgery or alteration of cheques, drafts, promissory notes and securities, any misappropriation or mishandling of funds or securities.

Scope

The Code of Conduct applies to all employees of the Town of Richmond Hill unless otherwise specified in the Code.

It does not apply to members of Council.

Policy

CONFLICT OF INTEREST

An employee will be considered to have a conflict of interest where he/she or a member of his/her family has a direct or indirect financial interest (that is known to the employee) in a contract or proposed contract with the Town, and where the employee could influence the decision made by the Town with respect to the contract.

A conflict exists where the employee could directly influence the decision made in the course of performing his/her job duties, and also where he/she could indirectly influence the decision through exerting personal influence over the decision-maker.

Employees employed/engaged by the Town must declare a conflict of interest on any matters on which they are required to work that pertain to property that they or a member of his/her family own or a property located within 120 metres of any real property that the staff member or a member of his/her family owns, and the Town will assign the matter to another employee. This provision does not apply to the maintenance or construction of municipal property or infrastructure within the 120 metre radius provided that such maintenance or construction is in accordance with the municipality's normal standards.

If a potential conflict exists because of an employee's personal or family interest in a business dealing with the Town or similar circumstances, the employee must advise his/her supervisor of the situation, in writing, on the *Employee Disclosure of Interest Form* (see Schedule A attached) setting out the general nature of the interest. The supervisor will then make appropriate alternative arrangements with his/her Commissioner and/or Council to handle the matter. An employee shall make such a disclosure each time an issue in which they have an interest arises.

The *Employee Disclosure of Interest Form* will be kept in the employee's Human Resources file for the duration of his/her employment with the Town. This form will be made available to Council or such staff as is designated to make a decision on the matter, prior to any decisions, discussions or disposition of the matter by staff or Council. The written disclosure of interest is subject to the *Municipal Freedom of Information and Protection of Privacy Act*, R.S.O. 1990, c. M.56.

GIFTS, BENEFITS AND HOSPITALITY

Employees must make workplace decisions based on an impartial and objective assessment of each situation, free from influence of gifts, favours, hospitality and entertainment. Employees must avoid the reality and appearance of impropriety with organizations and people with whom they deal.

In order to preserve the image and integrity of the Town, business gifts are prohibited except as follows:

- a. The normal exchange of gifts between friends;
- b. Gifts received in connection with municipal twinning (Lakeland etc.);
- c. Gifts received for services to professional organizations or non-profit groups;
- d. Token gifts of exchange as part of protocol;
- e. Gifts of nominal or promotional value e.g. baseball caps, t-shirts, mugs, pens; and
- f. Normal presentation of gifts to persons participating in public functions.

Gifts received by a Department (or a section, division or other separate sector of a Department, as the case may be – the “work unit”) may be accepted provided the nature of the gift is in keeping with this policy. Any such gifts should be shared amongst staff in that work unit where possible. For example, flowers received should be displayed in the main lobby of the department, items in a fruit basket should be made available to all staff in that work unit.

Gifts that are received that are not in keeping with this policy should be returned to the sender wherever possible citing this policy. Alternatively, at the discretion of the Commissioner or the CAO, gifts received may be contributed to a raffle where proceeds are donated to a registered charity or Town sanctioned event. A letter outlining the actions taken by the Town shall be sent to the sender of the gift by the Commissioner or designate.

The Town recognizes that moderate hospitality is an accepted courtesy of a business relationship but any hospitality accepted should fall within the following criteria:

- a. Recipients do not allow themselves to reach a position whereby they might be or be deemed by others to have been influenced in making a business decision as a consequence of accepting such hospitality;
- b. The expenses involved are not greater than the employee's Commissioner would allow to be claimed on an expense account if it were charged to the Town (as defined in the Town's Municipal Business, Conference, Training, Tuition and Expense Policy); and
- c. It serves a legitimate business purpose related to the responsibilities of the individual.

Employees may attend cultural, social, charitable, political, recreational, golf or sporting events if, in the opinion of their Commissioner, it would be beneficial to the Town and if it directly relates to the functions of the position of the staff member attending the event. Specific rules regarding the disclosure, permission and documentation required to participate in golf events are included in Schedule B.

Consideration may be given to reimbursing an employee for the expense of such an event if it is determined by the appropriate Commissioner that attendance would be of benefit to the Town.

If an employee is invited to such an event in the company of the person extending the invitation, the employee should consult with his/her Commissioner, to determine if attendance would be of benefit to the Town.

If an employee is invited to attend an event where the person extending the invitation is not attending, the invitation is to be refused citing this policy.

Employees shall not accept travel costs or accommodation, or payment related to travel or accommodation, from any person or business organization unless their Commissioner decides acceptance is in the best interest of the Town.

In recognition of the value of interaction with business associates, the Town occasionally participates in invitational, charity or special events. Participation in such events shall be approved by the appropriate Commissioner prior to the event taking place.

Employees who are asked to speak publicly to an organization or professional association on behalf of the Town may accept a small honourarium or gift.

In cases where employees are asked to speak or make presentations to share information with colleagues, it may also be permissible to accept the offer of travel

and/or accommodations, however, the employee shall consult with his/her Commissioner before accepting any offers.

In order to preserve a neutral purchasing policy, Town staff should not be able to benefit from Town purchasing, unless a specific exemption is made in the interests of the Town by Council.

No Town employee shall benefit, monetarily or in any other way from any contract between the Town and an outside agency, contractor, or vendor, resulting from the Town's purchasing procedures. No Town employee shall be able to bid on any Town tender, proposal or quotation except where specifically permitted by a by-law or resolution of Town Council.

CONFIDENTIAL INFORMATION

Disclosure of Confidential Information

Employees may have access to confidential information by reason of their employment with the Town of Richmond Hill. Employees must not make such information available unless it is public information. Where an employee is unsure of the status of the information, before making any release he/she shall discuss it with their Commissioner who may see fit to consult with the Town Clerk, Town Solicitor or Director of Human Resources **Services**.

For example, information relating to the following matters are not normally released:

- a. Items under litigation;
- b. Labour relations matters;
- c. Personal information about an employee (e.g. name, address, payroll or benefits information);
- d. Medical information regarding an employee;
- e. Information about suppliers provided for evaluation which might be useful to competitors;
- f. Sources of complaints about a variety of matters where the identity of the complainant is given in confidence;
- g. Items under negotiation;
- h. Information supplied in support of license applications etc., where such information is not part of the public documentation; and
- i. Budget amounts of the prices paid by or quoted to the Town for goods and/or services (except as contained in public reports to Council or its committees).

The above is not intended to be an exhaustive list of examples.

Information must not be released contrary to the provisions of the *Municipal Freedom of Information and Protection of Privacy Act*, R.S.O. 1990, c. M.56. All related requests

shall be forwarded to the office of the Manager of Corporate Records, Freedom of Information and Protection of Privacy Coordinator.

~~Employees who suspect wrongdoing on the part of officers, employees, agents or contractors should disclose this information, including confidential information, to their supervisor, their Commissioner, the Director of Human Resource Services or the CAO. Such disclosure is encouraged provided the disclosure is not frivolous, vexatious or slanderous and making the disclosure serves the public interest and is made in accordance with the provisions of this Code.~~

Use of Confidential Information While Employed by Town and Upon Termination of Employment

All employees are required to refrain from the use or transmission of confidential or privileged information while working for the Town and for two years, or such greater period as required by law, after termination of employment with the Town. Staff is specifically forbidden to use information available only to Town staff to guide personal investment in real estate, whether by direct means or indirectly through others.

Acting Against the Town Following Termination of Employment

Employees shall not, for one year after terminating employment act in opposition to the Town on any matter that he/she or his/her Department was working on at the time of termination of employment.

MEDIA RELATIONS

The CAO, Commissioners, Directors and the ~~Manager~~ Director of Communication Services are the key contacts for the media on all issues unless otherwise delegated by the Commissioners or the CAO.

In instances where there are special projects or task forces which operate outside of the normal departmental structures, a spokesperson for the project may be identified for the duration of that project.

Any matters involving litigation shall be referred to the CAO, a Commissioner or the Town Solicitor.

If an employee is unclear as to whether or how they should respond to a media request, they should contact their Commissioner and/or the ~~Manager~~ Director of Communication Services for guidance.

This policy is not intended to restrict the ability of employees to express an opinion on non-municipal general interest matters, where the employee makes it clear that he/she is commenting as a private citizen and not in his/her capacity as a municipal employee.

USE OF MUNICIPAL PROPERTY

Town property shall not be used by Town employees for personal use during or outside of business hours unless prior approval is secured from their Commissioner, in writing, and a copy of the approval, including terms and conditions, shall be filed with the CAO.

No employee shall make financial gain from the use or sale of Town property including Town-developed computer programs, databases, technological innovations or other patentable items, or intellectual property either while in the employment of the Town, or thereafter. All such property is and shall remain the exclusive property of the Town of Richmond Hill.

POLITICAL INVOLVEMENT AND ACTIVITY

To ensure public trust in the Town, employees must be, and be seen to be impartial and free of undue political influence in the exercise of their official duties. As such employees may be politically active, however, certain limited restrictions may apply as are set out in this policy. In all cases, any restrictions must be balanced with an individual's right to participate in the Canadian political system.

In general, unless otherwise limited by this Code or applicable legislation, Town employees may on their own time:

- a. Vote in municipal, provincial and federal elections;
- b. Privately discuss and express views as citizens;
- c. Make a personal contribution to a candidate's campaign;
- d. Belong to a political party;
- e. Support or oppose candidates for elected office or political party;
- f. Canvass on behalf of a candidate while off-duty;
- g. Wear campaign buttons or other promotional apparel while off-duty;
- h. Place campaign signs at his/her personal residence;
- i. Attend candidate's debates;
- j. Attend all-candidate's meetings or riding association meetings; and
- k. Run for office, subject to specific limitations as set out in legislation and this policy.

Any political involvement must not interfere with the employee's ability to perform his/her corporate duties.

Employees shall not engage in any political activity during working hours. They shall not utilize Town property for election purposes either during or outside business hours. They shall not identify themselves as Town employees when engaged in political activity e.g. shall not wear clothing with Town logo while canvassing for a candidate.

The CAO, Commissioners and Directors, ~~(i.e. Admin Level 9 and above)~~ may not participate in any Town of Richmond Hill Council election campaign activities related to the Town (as outlined in sections b to j above).

Employees wishing to run for Town Council in Richmond Hill must take a leave of absence without pay beginning on the day the employee is nominated and ending on voting day. If the employee is elected to Town Council, they will be deemed to have resigned from their position with the Town. Employees should refer to all relevant legislation relating to running for municipal office including the *Municipal Act*, 2001, S.O. 2001, c.25 and the *Municipal Elections Act*, 1996, S.O. 1996, c.32.

Employees who seek election and are not elected, are entitled to return to the same or similar employment, effective the day after the election.

CONCURRENT EMPLOYMENT

All full-time employees considering or already engaged in any outside employment or business undertaking including unpaid activity must ensure that this activity does not interfere with or influence their judgment or the impartial discharge of their duties as Town employees.

If an employee is in or is considering becoming involved in such a situation the outside activity or employment must not:

- a. Interfere or compete with the performance of their official or prescribed duties as a Town employee including work hours, scheduled overtime and standby provisions;
- b. Represent or create the perception of a conflict of interest as defined in this Code;
- c. Use knowledge of the Town's confidential plans, projects or information in the performance of the outside employment;
- d. Compete with services provided by the Town; and
- e. **Involve the unauthorized use of work time or Town property to which the employee has access to by virtue of their Town employment.**

Any employee who is or is considering becoming involved in such activity and has reason to believe it falls within any of categories a. through e. they shall complete a *Concurrent Employment Declaration Form* (see Schedule C) outlining the nature of such work to their Commissioner in order to receive approval. The Commissioner may require further restrictions than those set out above on any outside employment activity. A copy of this declaration will be kept in the employee's Human Resources file.

If it is determined by the Commissioner that such work would represent a conflict with the interests of the Town or would impair the employee's ability to carry out his/her functions, the employee may be asked to transfer to other duties subject to availability determined by the Town or choose between continued employment with the Town and the outside activity.

APPOINTMENT TO BOARDS

An employee may not seek or accept appointments, except in the capacity of an employee, to any committee, task force, board or ad hoc committee established by or under the authority of the Town of Richmond Hill.

Employees require permission from their Commissioner or the CAO before accepting appointments to other municipal, provincial or federal commissions, boards or committees if the employee has reason to believe such appointment would be in conflict with their duties as a Town employee. In the case of the CAO, approval must be granted by the Mayor.

Staff who hold positions as board members on community agencies that deal with issues related to their work at the Town should inform their Commissioner or the CAO of their appointment. In the case of the CAO, the Mayor is to be informed.

When agency issues arise that place the employee in an actual, potential or perceived conflict with Town policies or procedures, he/she should declare a conflict of interest and refrain from participating in the issue.

USE OF ALCOHOL, DRUGS AND OTHER SUBSTANCES

The Town is committed to the health, safety and well-being of its employees and the public. As part of this commitment, the Town shall make every reasonable effort to minimize risks associated with its operations and to ensure a safe, healthy and productive work place.

In recognition of this commitment, an employee must be able to perform all of his or her workplace duties in a safe and productive manner. While at work, an employee must not be impaired by the use of alcohol, **cannabis**, medication or illicit drugs. An employee is also responsible for determining any potential adverse effects of using **cannabis, legal**, prescribed or over-the-counter medication with his or her doctor or pharmacist.

This section of the Code applies to all employees, at all locations where employees exercise employment duties, and to all other activities on Town property during work hours. It also applies to all business, charitable, recreational, social and other special events related to employment with the Town whether held on Town property or elsewhere during or outside of work hours.

The sale, unlawful possession, manufacture or distribution of alcohol, **cannabis, legal**, illicit drugs or non-prescribed medication for which a prescription is legally required during work hours is prohibited. An employee who has successfully completed the required provincial training to serve alcohol and does so as part of his or her employment duties is exempt from this specific prohibition.

The consumption of illicit drugs during the exercise of an employee's employment duties is prohibited. Furthermore, the intentional misuse of **cannabis**, prescribed, over-the-

counter medication, **or legal drugs** is prohibited. The Town recognizes that an employee may consume alcohol at a social function or at an occasion where alcohol is normally consumed in the course of a business function. In these circumstances, the employee must ensure that he or she behaves responsibly and does not become impaired through such consumption.

Any employee who is impaired by alcohol, **cannabis, legal or** illicit drugs or prescribed over-the-counter medication in the course of his or her employment may be subject to discipline up to and including dismissal.

The Town recognizes that addiction to alcohol, **cannabis, legal or** illicit drugs or prescription or over-the-counter medication is a disability under the Human Rights Code. Accordingly, any employee who may be experiencing problems related to alcohol, **cannabis** and **other** drug use are encouraged to contact the Town's confidential Employee Assistance Program or other recognized sources of assistance for guidance.

EMPLOYEE AS RESIDENT

Nothing in this Code shall prevent an employee who is a resident or owns property in the Town from making statements or taking actions as any other resident of the Town provided that in so doing the employee indicates that he/she is speaking or acting in his/her capacity as a resident or property owner in the municipality and not as an employee of the Town. No such statements or actions shall be based on information that the employee has gained through his employment with the Town unless such information is public and available to all residents and/or property owner

REPORTING OF WRONGDOING AND PROTECTION FROM REPRISALS

All Town employees who are aware that a wrongdoing has occurred are to report it to their Commissioner or Director of Human Resources. Any allegations of wrongdoing received by a Commissioner will be immediately reported to the CAO or the Director of Human Resources if the CAO is implicated in the allegation. Any employee who discloses a wrongdoing will fully cooperate in any investigation.

When an allegation of wrongdoing is received by the CAO, the Director of Human Resources will be informed and will coordinate any investigation that may be required. If the Director of Human Resources is implicated in the allegations, the CAO will inform the Town Solicitor who will coordinate any investigation that may be required. If the CAO is implicated in the allegation, the Director of Human Resources will inform the Mayor, but the Director of Human Resources will coordinate any investigation that may be required. The responsibility to ensure such investigations are appropriately conducted remains with the CAO, or the Mayor if the CAO is implicated in the allegation. The rights of all persons accused or suspected of an alleged wrongdoing will be respected.

Decisions to refer an investigation or the results of an investigation to York Regional Police or other agency for investigation will be made in consultation between the CAO (or Mayor if the CAO is implicated), Director of Human Resources and the Town Solicitor.

If an alleged wrongdoing is substantiated through an investigation, the employee will be subject to disciplinary action up to and including dismissal as determined by the CAO (or Council in the case of the CAO) in consultation with the Director of Human Resources.

The identity of individuals involved in an investigation, including the identity of an individual alleging the wrongdoing and the identity of the individual alleged to have committed the wrongdoing will be protected to the fullest extent possible.

Any staff aware of or involved in an investigation of wrongdoing shall treat all information received confidentially. Investigation results will not be disclosed or discussed with anyone other than those who have a legitimate need to know and such disclosures shall be restricted to what must be disclosed to ensure a thorough, effective and complete investigation. Individuals who improperly breach confidentiality shall be subject to disciplinary action up to and including dismissal as determined by the CAO in consultation with the Director of Human Resources.

Employees who report wrongdoing in good faith will be protected from reprisals. More specifically, no person shall take a reprisal against a Town employee because the employee:

- Has sought information or advice about making a disclosure about a wrongdoing;
- Has made a disclosure of wrongdoing in good faith;
- Has initiated or cooperated in an investigation or other process related to the disclosure of a wrongdoing;
- Has appeared as a witness, given evidence or participated in any proceeding related to the disclosure of a wrongdoing, or is required to do so;
- Has alleged or reported a reprisal; and/or
- Is suspected of any of the above actions.

Any employee who believes they are the subject of a reprisal following a disclosure of a wrongdoing shall notify the Director of Human Resources or the CAO immediately. An employee informed of, or who becomes aware of a reprisal against an employee, has a duty to notify the Director of Human Resources or the CAO. Where the Director of Human Resources or CAO receives such disclosures they will undertake to ensure that the employee is protected from any further reprisals.

Investigations into alleged reprisals shall be coordinated by the Director of Human Resources in consultation with the CAO (or the Mayor if the CAO is implicated in the reprisal allegation).

Where the investigation substantiates the allegations of reprisals, the Director of Human Resources shall inform the CAO (or the Mayor if the CAO is implicated in the reprisal) and the employee involved will be subject to disciplinary action up to and including dismissal as determined by the CAO in consultation with the Director of Human Resources, or Council in the case of the CAO.

The CAO in consultation with the Director of Human Resources, will determine and take appropriate actions to stop, reverse or remedy a reprisal against an employee.

Any employee who knowingly makes a false complaint in bad faith or who knowingly makes a false or misleading statement that is intended to mislead an investigation of a complaint may be subject to disciplinary action up to an including dismissal.

SEVERABILITY

The provisions of this Code are severable and if any provision, section or word is held invalid or illegal, such invalidity or illegality shall not affect or impair any of the remaining provisions, sections or words.

COMPLIANCE AND ENFORCEMENT

As a condition of employment with the Town, all employees are to comply with the Code of Conduct and any related policies.

Any questions regarding the interpretation or application of the Code are to be directed to the employee's Commissioner, the Director of Human Resources **Services** or the CAO.

An employee who has reason to believe that another employee is committing a breach of the Code shall bring the matter to the attention of their supervisor, Commissioner, the Director of Human Resources **Services** or the CAO in writing in complete confidence.

A supervisor who is of the opinion that an employee is breaching the Code shall respond appropriately with the employee and if necessary bring the matter to the attention of their supervisor, Commissioner, the Director of Human Resources **Services** or the CAO in complete confidence.

In an instance where it is alleged that a Commissioner is in contravention of the Code, these allegations should be brought to the attention of the CAO.

In an instance where it is alleged that the CAO is in contravention of the Code, the Mayor takes the place of the CAO in any provisions of the Code.

Any employee who is found to have contravened the provisions of the Code of Conduct will be subject to disciplinary action up to and including dismissal.

Individuals accused of a violation of this Code will be advised of the allegation and given an opportunity to respond.

No employee shall be disciplined for making any allegation regarding the Code of Conduct providing it has been done so in good faith in the opinion of the CAO. If the allegation is regarding the CAO, the issue of good faith will be determined by the Mayor.

Roles and Responsibilities:

Collective Agreements and Professional/Technical Rules of Conduct

Nothing in this Code is intended to conflict with the Town's obligations to its employees under its various collective agreements or employment contracts or to be contrary to legislation. Provisions of collective agreements, employment contracts, or legislation prevail in cases of conflict with the Code of Conduct.

As well as this Code, many employees may also be subject to other rules of conduct as part of their professional or technical affiliations. These employees should review those expectations with their respective professional or technical associations. In instances where this Code is more restrictive than rules of conduct of a professional or technical association, the standards in this Code apply.

Employee Responsibilities

It is the responsibility of all employees to be aware of, comply with and understand their obligations under the Code of Conduct and any related policies. Compliance with the Code of Conduct is a condition of employment/engagement with the Town. Employees who are unclear of their responsibilities under this Code, at any time, should enter into discussions with their Commissioner, the Director of Human Resources ~~Services~~ or CAO for guidance.

Any employee who fails to comply with any section of the Code may be subject to disciplinary action up to and including dismissal and/or legal prosecution.

Administrators' Responsibilities

In addition to following the Code themselves, it is the responsibility of the CAO, Commissioners and the Director of Human Resources ~~Services~~ to ensure all employees are made aware of the Code of Conduct and provide for any information or training required to allow for employee compliance. They are also responsible for the administration and enforcement of the Code in a reasonable and consistent manner.

Decisions related to the Code rest with each Commissioner. If a Commissioner is unclear of a provision of the Code they are to seek clarification from the CAO as required.

Deviations from the Adopted Code

No deviations from the adopted Code are allowed. However, supplemental standards/ instructions may be developed by a Commissioner or the CAO. Any supplemental standards/ instructions must be approved by the CAO prior to implementation.

Related Policies

In addition to the Code, Town employees are expected to be aware of and comply with the Town's related policies which include, but are not limited to:

- Use of Municipal Vehicles Policy
- **Business Expense and Hospitality Policy**
- **Conference and Travel Policy**
- Media Relations Policy
- **Respect in the Workplace Policy**
- Hiring of Relatives Policy
- **Acceptable Use Policy**
- Micro Computer Policy
- **Social Media Policy**
- Health and Safety Policy Statement.

Town employees are also expected to comply with all federal, provincial and municipal legislation as it pertains to the performance of their duties.

Supporting Documents

Schedule A - Employee Disclosure of Interest Form
Schedule B – Golf Policy and Golf Policy Disclosure Form
Schedule C - Concurrent Employment Declaration Form

Report Approval Details

Document Title:	SRCAO.18.04.docx
Attachments:	
Final Approval Date:	Mar 23, 2018

This report and all of its attachments were approved and signed as outlined below:

Gwen Manderson - Mar 20, 2018 - 7:00 AM

No Signature found

MaryAnne Dempster - Mar 23, 2018 - 8:55 AM

Neil Garbe - Mar 23, 2018 - 10:55 AM