



POLICY MANUAL

POLICY NUMBER: CORPORATE-029

SUBJECT: Employee Code of Conduct

**POLICY STATEMENT:
(Purpose/Objective)**

Chapter 1
Interpretation

(a) Organization of By-law

This By-law is divided into chapters which deal with different elements of the City's Code of Conduct. Each such chapter includes a set of frequently asked questions and the answers to those questions. Each chapter also includes the formal policy dealing with the topic considered in that chapter.

The questions and answers are not deemed to be a formal part of this By-law, but are presented for the assistance of the reader and for training purposes. The formal policy is the official policy for all purposes. The formal policy cannot be amended except by approval of Council, but the Director of Human Resources is allowed to amend and adjust the frequently asked questions as he deems appropriate from time to time, so that this policy may be more clearly understood by its users. The By-law contains statutory references which may alter from time to time, and the Director of Human Resources is authorized to review the text of the By-law to update any such statutory references so that they remain current. Also, the Director of Human Resources is authorized to publish this By-law from time to time in such forms as may appear to him or her to be more easily accessible by its users.

This By-law may be referred to as the “Code of Conduct” and references to a Code of Conduct in any municipal documents shall (unless the context clearly expresses a different intention) be deemed to be a reference to this By-law.

This By-law is to be read as a whole. While some effort has been made to place similar matters into specific chapters, it is inevitable that there will be some overlap between chapters and that multiple chapters may need to be consulted to reach the answer to specific questions.

(b) Self-governing Professions and their Standards of Conduct

Many staff of the City are members of self-governing professions which have extensive codes of conduct. These codes of conduct will be considered part of the City’s code of conduct as though they were actually written into it, and a breach of these codes will be a breach of the City’s requirements. In the event that the codes of conduct of self-governing professions impose higher requirements than the City’s Code of Conduct, the more rigorous requirements will govern.

(c) Application of By-law

This By-law applies to all Employees (as defined below) in their dealings among themselves, with Councillors, and with the public - including all clients, vendors, and suppliers.

Although the definition of Employee includes volunteers and appointees to City advisory Boards and Committees, these individuals will not be included within the requirements of Chapter 4 of this By-law. In addition, where the enacting By-laws creating any advisory Boards and Committees define a standard for conflicts of interest which differs from that contained in Chapter 3, the standard within the enacting By-law for the advisory Board or Committee shall govern.

At various locations throughout the By-law, there are defined roles and responsibilities given to supervisors. When references to supervisors are read in the context of appointees to City advisory Boards and Committees, the Chairperson of any applicable advisory Board or Committee will occupy the role of supervisor in respect of volunteer members of the Committee, and the General Manager or City Manager (as the case may be) having responsibility for the advisory Board or Committee will occupy the role of supervisor in respect of the chairperson.

None of the special rules above will apply to City Workers or municipal Councillors when they serve on City advisory Boards and Committees. The normal rules applicable to City Workers and members of Council shall always apply to them.

(d) Definitions

The following definitions shall apply to this By-law:

“City Property” includes real property (such as land or interests in land), personal property (such as goods, and equipment), and other property interests of any kind.

“Employee” or “Employees” means direct employees of the Corporation of the City of Brantford whether full-time, part-time, contract (including employees of staffing agencies) or casual (including students and volunteers), but does not include employees of local boards, subsidiaries of the City, bodies which have independent corporate existence, or independent contractors and their employees. It also includes appointees to City advisory boards and committees, unless those boards and committees have separate corporate existence.

“Conflict” and “Conflict of Interest” means an interest or activity, financial or otherwise, which is incompatible with the proper discharge of the duties and responsibilities of an *Employee*. The definition includes “apparent” or “reasonably apparent” financial conflicts, and conflicts of interest of *Relatives* will be deemed to be conflicts of interest of the *Employee*. Specifically excluded from the definition are the items referred to in section 4 of the Municipal Conflict of Interest Act.

“hired” or “hire” includes the original engagement of an *Employee* and the promotion or transfer of such *Employee*.

“Opposition to a Municipal Initiative” means any of the following measures taken by a City *Employee* in opposition to a Municipal initiative:

- (i) the exercise of a statutory right of appeal, or the exercise of any other statutory right available to the *Employee* in respect of the municipal initiative;
- (ii) participation in a public or other meeting in connection with the municipal initiative;
- (iii) the commencement of litigation to challenge the municipal initiative; and,
- (iv) participation in any other legal forms of protest against the municipal initiative.

“Outside activities” are private activities which are not part of an *Employee’s* assigned work and are not part of his or her job.

“Relative” means:

- (i) a spouse as defined in the Municipal Act, 2001 (as amended);
- (ii) children and grandchildren, including step children and step grandchildren;
- (iii) Sons-in-law and daughters-in-law;
- (iv) parents and grandparents, including step parents and step grandparents.
- (v) brothers, sisters, step brothers and step sisters
- (vi) mothers and fathers in law; and,
- (vii) brothers and sisters in law.

“Workplace” means any premises (whether owned by the City or otherwise) where the business of the municipality is being transacted, including vehicles.

“Wrongdoing” means any of the following actions taken by any City *Employee*, the Mayor, or any member of Council:

- (i) a contravention of any City By-law, or any Act of Parliament or the legislature of Ontario, or of regulations made under any such Act, if the contravention relates to the official duty of municipal *Employees*, Councillors, the Mayor, or any municipal public funds;
- (ii) a misuse of municipal funds or municipal assets;
- (iii) gross mismanagement of a municipal project or undertaking;
- (iv) an act or omission that creates a substantial and specific danger to the life, health or safety of persons or to the environment; and,
- (v) taking any act of reprisal against a municipal *Employee* who has disclosed a wrongdoing in accordance with Chapter 6.

RELATED POLICY PROCEDURES/GUIDELINES:

Chapter 2 Gifts, Entertainment and Other Benefits

- (a) *Employees* are not to accept or solicit gifts, entertainment, or other benefits from any individuals or from any profit-making or non-profit organizations or associations which have business dealings with the City.
- (b) The rule in (a) above is subject to the following exceptions:

- (i) Infrequent business meals, if the meal is necessary for the completion of some task, and it would be impractical or socially awkward for the City *Employee* to pay for his or her meal separately;
- (ii) Infrequent attendance or participation in social or sporting events in the company of a business contact, if approval is granted in advance by:
 - 1. The applicable General Manager, where the *Employee* works within a Commission supervised by a General Manager;
 - 2. The applicable Director, where the *Employee* works within a department which reports directly to the City Manager; or,
 - 3. The City Manager, where the *Employee* reports to the City Manager.
- (iii) Donations toward charitable events or causes, including City projects and other municipal undertakings;
- (iv) Business gifts having a value less than Fifty dollars (\$50.00) which are given as promotional items to individuals or project teams, provided the gifts do not include money, cash or negotiable instruments;
- (v) If the gift has absolutely no relationship with the status of the recipient as a City *Employee* (i.e. there is another relationship between the donor and recipient which caused the gift to be made);
- (vi) The gift is a randomly distributed gift such as a door prize which is won by an Employee attending a conference, training session, or other event on behalf of the City;
- (vii) The gift is an honorarium or other gift given in recognition for speaking at a seminar, conference, symposium or a similar event; or
- viii) The gift is in the form of complimentary admission to entertainment events related to the performance of an employee's duties.

- (c) Unless the circumstances in (b)(v) above apply, if an *Employee* receives gifts, entertainment and benefits having value over Fifty dollars (\$50.00), the gifts, entertainment or benefits must be disclosed to the immediate supervisor of the *Employee* in writing using the form in Appendix 1. Such disclosure shall occur within one week following the receipt of the gift, entertainment or benefit, with a copy to:
- (i) The applicable General Manager, where the *Employee* works within a Commission supervised by a General Manager; or,
 - (ii) The applicable Director and the City Manager, where the *Employee* works within a department which reports directly to the City Manager.
- (d) An *Employee* who contacts a vendor selling goods or services to the City requesting "City pricing" for a personal purchase by the *Employee* shall be deemed to have contravened (a) above, however the foregoing shall not prohibit an *Employee* from partaking in the benefit of promotional pricing or other special pricing if that pricing is already available to City or other government *Employees* as a class.
- (e) The Fifty dollar (\$50.00) limit in (b)(iv) and (c) above shall be re-examined from time to time as part of periodic and comprehensive reviews of this By-law to be conducted by the Human Resources Department, and may be amended administratively as necessary by the Director of Human Resources as part of such review without the need for the specific approval of Council.
- (f) In the event that a gift, an opportunity for the receipt of entertainment (such as a ticket), or some other benefit is delivered to an *Employee* in circumstances where:
- (i) acceptance by the *Employee* would contravene this Chapter;
 - (ii) he or she was unable or failed to refuse it at the time of delivery; and,
 - (iii) it is impractical for the *Employee* to return it to the donor,
- the *Employee* shall advise his or supervisor who shall make arrangements for it to be given to charity or raffled off with the proceeds of the raffle being given to charity. If it is practical for the *Employee* to return such a gift or opportunity for the receipt of entertainment to the donor or to refuse it at the time of delivery, the *Employee* is required to take that action.

Chapter 3
Conflicts of Interest

- (a) *Employees* will not make decisions on behalf of the municipality, make recommendations to the municipality, use their position with the municipality, or take any action on behalf of the municipality in respect of matters in which they have a *Conflict of Interest*.
- (b) *Employees* are required to provide disclosure to the head of the division in which they work (in the case of the City Manager, this would be the Mayor) in writing of any *Conflicts of interest* which relate to their duties and responsibilities with the municipality. Supervisors receiving such a disclosure are required to give it due consideration, obtaining advice and assistance from the Human Resources Department or upper management as necessary, and provide the necessary direction to the *Employee* with respect to the resolution of the *Conflict of Interest*. Provided that the disclosure has been full and frank, any *Employee* who complies with the direction given pursuant to this process will be safe from discipline or criticism and will be able to rely upon the direction as a complete answer to any future disciplinary or other action by the City against the *Employee* in respect of the *Conflict of Interest*.

Chapter 4
Outside Activities

- (a) *Outside Activities*, whether consisting of employment for profit or participation in non-profit activities, are generally permitted subject to the following conditions:
 - (i) Except for union or association business pursuant to a collective agreement or other similar contract, or unless specifically authorized by the supervisor of an *Employee*, the outside activity must not occur during work time. *Outside Activities* must occur wholly in the *Employee's* private (non-regular work) time.
 - (ii) There must be no *Conflict* or *Conflict of Interest* with the *Employee's* official duties.
 - (iii) There must be no adverse effect on the community or the ability of the *Employee* or other staff to perform their duties and functions.

- (iv) There must be no advertisement by any *Employee* of the fact that he or she is a City *Employee* if such advertisement is for personal gain or for any commercial or political purposes.
 - (v) Except for union or association business pursuant to a collective agreement or other similar contract, or unless specifically authorized by the supervisor of an *Employee*, no part of the outside activity will be done at the *Workplace*.
 - (vi) The *Outside Activities* must not restrict the ability to be on call, or to work irregular hours if irregular hours are a requirement of the position.
- (b) If the outside activity is a business or paid employment or if it consists of an involvement with an organization that has business dealings with the City, notification of the outside activity must be given to the immediate supervisor of the *Employee* with a copy to:
- (i) The applicable General Manager, where the *Employee* works within a Commission supervised by a General Manager;
 - (ii) The applicable Director, where the *Employee* works within a department which reports directly to the City Manager; or,
 - (iii) The City Manager, where the *Employee* reports to the City Manager.
- (c) Supervisors who receive notifications are required to consider the notices which they have received and to review the notices with the Human Resources Department, and to take appropriate action in conjunction with the Human Resources Department to enforce the requirements of this Chapter.
- (d) In addition to the requirements of the other rules in this Chapter, if the *Outside Activity* is a political activity which:
- (i) Consists of running for elected office, the *Employee* may have certain statutory rights allowing the *Employee* to have a leave of absence. There are other statutory provisions which may disqualify particular *Employees* from running for particular offices. But, subject to the applicable statutory provisions, and the other rules relating to *Outside Activities*, *Employees* will be generally free to run for any public office.

- (ii) Consists of working on a political campaign, publicly expressing support for a candidate, or publicly expressing opposition to a candidate, and the Employee engaging in the *Outside Activity* works at or above the level of Director, the candidate must not be a candidate for Mayor or position on City Council.
- (e) Despite anything else contained in this Chapter, the following outside political activities are always allowed and nothing in this Chapter shall be deemed to restrict any of the following:
 - (i) voting,
 - (ii) privately discussing and expressing views as concerned citizens,
 - (iii) signing petitions,
 - (iv) expressing *Opposition to a Municipal Initiative*; or,
 - (v) making personal contributions to the campaign of any candidate.
- (f) Except where contrary to the foregoing, *Employees* may make public statements and generally take the same actions that any other citizen may do, provided that in so doing:
 - (i) it is clear that the *Employee* is acting for himself or herself and not on behalf of the City; and,
 - (ii) the *Employee* will not use any information which he or she has obtained in the course of working for the City that is not generally available to all residents of the City.

Chapter 5
Nepotism

- (a) The City will avoid any practice that may give rise to *Conflicts of Interest* or difficulties for supervisors, co-workers, and subordinates when hiring *Employees* particularly as it relates to the employment of *Relatives* of *Employees* and Members of Council.
- (b) *Relatives* of City *Employees* and *Relatives* of Members of City Council may only be *hired* by the City if each of the following conditions is met:
 - (i) the hiring of the *Relative* will not result in the situation where an *Employee* will be the direct supervisor of a *Relative* or the situation where an *Employee* is the functional supervisor of a *Relative*;
 - (ii) an application has been received in the normal manner and the standard recruitment and selection process was followed;

- (iii) the candidate to be *hired* is, in the opinion of the interviewers, the best qualified with respect to the requirements of the position;
 - (iv) there was no undue influence exerted on the interviewers;
 - (v) no potential *Conflicts* or other difficulties appear to exist; and,
 - (vi) a *Relative* of the *Employee* to be *hired* did not take part in the selection process.
- (c) Nothing in (a) shall be interpreted to suggest that contraventions of items (ii), (iii), (iv) or (v) shall be allowable in the hiring of *Employees* who are not *Relatives* of any *City Employee*.
- (d) In the event that persons become *Relatives* of one another after they have been *hired* in circumstances where one supervises the other, the circumstances will be reviewed by the City Manager and the Director of Human Resources on a case-by-case basis to determine what action, if any, can be taken to remove the reporting relationship.

Chapter 6
Whistle Blowing

- (a) None of the following measures shall be taken against a *City Employee* by reason that the *Employee* has, in good faith, engaged in *Opposition to a Municipal Initiative* or has disclosed a *Wrongdoing* in the manner set forth in this policy:
- (i) a disciplinary measure;
 - (ii) the demotion of the *Employee*;
 - (iii) the termination of the employment of the *Employee*; and,
 - (iv) a threat to take any of the measures in (i) to (iii) above.
- (b) It is important that the disclosure of *Wrongdoing* be reported to the appropriate law enforcement or other officials who have been entrusted with responsibility for monitoring and combating *Wrongdoing*. For that reason, the provisions of (a) above shall only apply if the disclosure of any *Wrongdoing* has occurred in any one or more of the following means:
- (i) To a police officer or other law enforcement official;
 - (ii) To the Mayor of the City;
 - (iii) To the City Manager of the City;
 - (iv) To any General Manager of the City;
 - (v) To the Treasurer of the City;
 - (vi) To the Auditors of the City;
 - (vii) To the City Clerk;
 - (viii) To the City Solicitor;

- (ix) To the immediate supervisor of the *City Employee* making the disclosure;
 - (x) To the Director of Human Resources of the City; or,
 - (xi) To any municipal Councillor of the City.
- (c) Any *City Employee* within the list in (b) above who receives an allegation of *Wrongdoing* from any source shall consult with the Human Resources Department to determine what kind of response is appropriate to the particular allegation.

Chapter 7
Personal Use of City Property

7.2.1 General Provisions

There will be no use or appropriation of *City property* for Personal use or purposes by *Employees*, unless that *City property* is generally available to the public and is being used by the *Employee* in that capacity like any other member of the public (i.e. using a City park or other facility for recreational purposes). This general rule will be subject to exceptions:

- (a) If personal use of the *City property* is provided as part of employment or duties and the personal use is:
 - (i) approved by Council;
 - (ii) contained in a an official job description on file with the Human Resources Department; or,
 - (iii) within an employment agreement or collective agreement.
- (b) If the use of *City property* consists of the personal of telephones, internet, computers, facsimile machines, cell phones, or photocopiers and all of the following are satisfied:
 - (i) It does not cause any additional expense to the City (i.e. there is full reimbursement of any charges)
 - (ii) It is not excessive having regard to the circumstances;
 - (iii) It does not have a negative overall impact on *Employee* productivity;
 - (iv) It does not interfere with the normal operation of the department or work unit, or negatively impact other employees;
 - (v) It will not compromise the City administration in any way;
 - (vi) It will be ethical and not contravene any applicable law or City policy; and,
 - (vii) It does not represent a *Conflict of Interest*.

- (c) If the *City property* consists of discarded items and the approval of the supervisor of the area from which the discarded items originated has been obtained.

7.2.2 Specific Rules relating to Computers

In addition to the rules in 7.2.1, the following rules apply to the use of computer equipment:

(a) Property Rights

Electronic records stored on City computer systems or equipment are the property of the Corporation of the City of Brantford. The City asserts the right to access and monitor records in electronic format.

(b) Prohibited uses

Users of City computer equipment shall not:

- (i) Attempt unauthorized access to systems, information, processes or products;
- (ii) Broadcast e-mail messages that are not work related;
- (iii) Propagate viruses, or send or download materials which may impact the operating efficiency of the system;
- (iv) Undertake any other activities that can unduly impact the use or performance of others
- (v) view, retrieve, transmit or disseminate:
 - 1. any pornographic or obscene messages, images, or materials;
 - 2. any other messages, images or materials which are offensive to human dignity.

(c) Records Retention

E-mails that are not filed in hard-copy may be disposed of at the user's discretion. Users are encouraged to delete messages that are not filed in hard-copy form as soon as the message has been read. Attachments to e-mail messages should be detached and filed electronically or printed and filed in hard-copy records.

(d) Installation of Software

Only licensed software and registered shareware acquired by and paid for by the municipality are to be operated on the municipal system. Computer games acquired by and paid for by the municipality as part of a training package may be installed on municipal equipment but no other games, including shareware games, are to be installed on municipal equipment. Users of the licensed software are to abide by the terms of the license agreement, and no municipally licensed software is to be copied or transferred to home computers. The IT department is to be notified of all licensed software and registered shareware acquired by and paid for by the municipality, along with the license number and the machine on which is loaded.

No software of a personal nature is to be maintained on the municipal system.

(e) Attachment of Hardware to City Computers

Unless prior approval is received from the IT department, no personal hardware shall be attached to City computers.

7.2.3 Specific Rules Related to the Use of City Owned and Leased Vehicles

In addition to the rules in 7.2.1, the following rules apply to the use of City owned and leased vehicles.

(a) General Rules

- (i) The use of a City vehicle by an employee or member of Council is a privilege.
- (ii) City vehicles are not to be used for any purpose other than authorized City business.
- (iii) City vehicles are not to be driven by anyone other than an authorized and properly licensed City employee, or member of City Council.
- (iv) Passengers shall be limited to City employees and individuals directly associated with City work activity (i.e. members of Council, committee members, consultants, contractors, etc.). Non-work related individuals including family members of an employee shall not be transported in a City vehicle.

- (v) City vehicles are to be operated at all times in accordance with the Highway Traffic Act and City Traffic Bylaws. Fines or penalties associated with any violation are the responsibility of the operator of the vehicle.
- (vi) In the event that an employee's license is suspended or revoked or he/she is otherwise prohibited from operating a vehicle for any period of time, the employee is not permitted to operate a City vehicle and he/she shall immediately notify their supervisor of such an occurrence.
- (vii) The use of alcohol or any illegal drugs by an employee when operating a City vehicle will not be tolerated, and contravention of this will result in disciplinary action against the employee.
- (viii) An employee who is "On-Call" after his/her normal working hours and who may be required to return to their workplace or any other location to perform their job function may be permitted to take a City vehicle to their place of residence, if deemed necessary by their General Manager, Fire Chief, CAO of Brantford Power or their designate.
- (ix) Engineering Construction Inspectors shall be deemed to be "On-Call" during the construction season (April 1 to December 1).
- (x) A City employee who has been authorized by their supervisor to use a City vehicle for work related business (i.e. meeting, seminar, workshop, etc) out of town and will not return to his/her workplace until after hours may be permitted to take the City vehicle to their place of residence overnight.
- (xi) An employee permitted to take a City vehicle to their place of residence shall ensure the following:
 1. That the vehicle is available for use at the start of normal work hours the very next business day. Should the employee not be able to return the vehicle due to illness or other unexpected absence, he/she shall notify his/her supervisor to attempt to make arrangements for the vehicle to be picked up by another employee.
 2. The employee shall also make arrangements to ensure that he/she does not have a City vehicle in his/her possession at their place of residence prior to the commencement of any vacation.

- (xii) Contravention of any of these rules can result in the employee losing their privileges to use a City vehicle or other disciplinary action as deemed appropriate by the City.

(b) Exceptions

- (i) Rules (ii) to (iv) inclusive, and (viii) to (xi) inclusive of 7.2.3(a) above shall not apply to an employee or member of Council who may use a City vehicle for personal use if such provision is included within their employment contract, job description or as approved by City Council.

(c) Responsibility for Implementation

- (i) The General Manager of Engineering & Operations shall prepare operational guidelines and processes to implement this provision of the Code of Conduct.
- (ii) The Fleet Manager shall maintain an up-to-date list of the job positions that have been authorized to use a City vehicle.
- (iii) On an annual basis, the Senior Management Team shall review the list of the job positions that have been authorized to use a City vehicle.

Chapter 8
Personal Conduct

- (a) *Employees* shall ensure that their personal conduct within the *Workplace* and elsewhere does not adversely affect:
 - (i) their ability to perform their official duties;
 - (ii) the ability of other *Employees* to perform their duties; or,
 - (iii) public confidence in the official's functions, the organization, or in the integrity of the public sector.
- (b) Management staff should not ask other *Employees* to perform personal services for them. Examples include asking a subordinate to pick up dry cleaning, performing personal errands, etc.
- (c) Staff should remain neutral in their service to all councillors.

- (d) Relations between staff and staff, and between staff and councillors, and between both staff and councillors and the public, should always be civil and premised on mutual respect. This means that staff will use polite and respectful language to each other, and will not use offensive language or gestures, nor shall they engage in patronizing or condescending behaviour, or make defamatory statements about one another.
- (e) Without limiting the generality of (d) above, when writing reports and in making formal presentations, staff shall use gender-neutral language whenever possible.
- (f) Without limiting the generality of (d) above, no employee shall engage in workplace harassment within the meaning of the *Occupational Health and Safety Act*, defined as a course of vexatious comment or conduct against a worker in a workplace that is known or ought reasonably to be known to be unwelcome.

Chapter 9
Relations with the Media and Information Sharing

(a) Employees who may deal with the Media

The City Manager, the General Managers, the members of the Senior Management Team, and Directors, or other staff authorized by any of the foregoing, may deal with the media. Other staff who receive inquiries from the media shall direct them to one or more of the foregoing.

Where volunteers serve on advisory boards and committees which are subject to this By-law, the Chairpersons of such advisory boards and committees may deal with the media in respect of the activities of such advisory boards and committees.

(b) Confidential Information

Except to report a wrongdoing pursuant to Chapter 6, no confidential information (including but not limited to any confidential report) shall be released to any person who is not a member of the City administration.

Chapter 10 Dress and Attire

The purpose of this Chapter is to ensure that all Corporate *Employees* maintain a professional demeanor while not limiting expressions of taste and individuality. Employee's attire is a reflection of their professionalism and that of the Corporation. *Employees* should dress appropriately to conduct municipal business and, more specifically, to reflect their position within the Corporation. A suitable appearance is important for *Employees* who, at any time, may come into contact with the public and municipal clients.

(a) Basic Rules

Employees' clothing shall comply with the following rules:

- (i) All clothing should be clean and neat in appearance. It is recognized that some positions will cause clothing to become soiled during the course of a workday, but every *Employee* should begin his or her workday with clean and neat clothing.
- (ii) Different positions will have different requirements. *Employees* who, for instance, do yard work, work in a fitness centre or work as lifeguards, will have different requirements than office workers at City Hall. *Employees* must wear clothing which is appropriate to the jobs that they do and the degree of professionalism that they must present.
- (iii) Work schedules should be taken into consideration when dressing. Meetings scheduled with customers require appropriate attire whether it is in the office or in the field.
- (iv) Personal safety must be considered when choosing clothing so that the chance of any accident is minimized.
- (v) For any *Employee* at any *Workplace* at any time, it will be inappropriate to wear any attire with inappropriate messages, graphics, expletive language, etc.;
- (vi) The following clothing is generally unacceptable, but may be worn if an *Employee* works in an athletic facility where the clothing is necessary for his or her job:
 - Tank tops, Muscle shirts
 - Exercise apparel

- Halter tops, tube tops, shirts that expose a bare midriff.
- High-cut, cut-off or biker shorts
- Leggings or exercise type pants (spandex or lycra);
- Beach wear
- Sweat pants, Athletic pants

(vii) *Employees* shall limit their use of fragrances, especially when they work in an office environment where other *Employees* or members of the public may be negatively affected.

(viii) For *Employees* who work exclusively in an office environment, the wearing of blue jeans is unacceptable except on dress-down days or other special occasions (such as a day when *Employees* are moving office or doing other unusual work) as may from time to time be designated by department management.

(b) Non-Compliance

An *Employee* who is deemed to be dressed inappropriately may be requested to return home and change by their Department Head or designate for failing to adhere to acceptable standards of dress and appearance.

(c) Dress Down Days

(i) Every Friday is designated as a “Dress Down Day”. The same standards of dress which are applicable on other days shall apply to dress down days, with the single exception that *Employees* who are not otherwise permitted to wear blue jeans may wear blue jeans on a dress down day.

(ii) Dress-down days are not available to those *Employees* with a specific dress / uniform policy (e.g. Fire Fighters and transit operators), or are required to wear certain clothing which has been issued pursuant to the provisions of any applicable Collective Agreement, or generally where the wearing of specific clothing is a safety requirement.

Chapter 11
Alcohol and Drug Use

(a) While within the *Workplace*, no use of alcohol is permitted unless the consumption of alcohol occurs at an event approved by the Mayor or Council at which alcohol is served.

(b) While within the *Workplace*, no use of drugs is permitted.

- (c) This Chapter shall not apply to alcohol and drug use outside the *Workplace*, with three exceptions. In each of the following exceptions, the use of alcohol or drugs outside the workplace will be a contravention of this policy:
- (i) If the alcohol or drug use negatively affects the performance of the *Employee* within the *Workplace*. Without limiting the generality of the foregoing, an *Employee's* performance will be deemed to have been negatively affected if he or she consumes alcohol and comes to work with a smell of an alcoholic beverage while exhibiting erratic or unusual behaviour, stumbling, difficulty speaking, loss of balance, or lack of coordination;
 - (ii) If it is a position requirement for a specific position that an *Employee* shall have no alcohol or drugs in his or her system while within the *workplace*, and the *Employee* comes to work or resumes work following a lunch or other break with alcohol or drugs in their system; or,
 - (iii) If the *Employee* operates a City-owned motor vehicle or dangerous machinery as part of his or her duties, and the *Employee* comes to work or resumes work following a lunch or other break with any alcohol or drugs in their system.
- (d) Any staff who have taken alcohol or drugs, whether such consumption is allowed or prohibited by the provisions of this Chapter, that might interfere with their ability to operate motor vehicles (where the operation of a motor vehicle is part of the *Employee's* job duties) or dangerous machinery (where the use of dangerous machinery is part of the *Employee's* job duties), or otherwise perform their job duties, must advise their supervisor who will be required to take appropriate action.
- (e) This Chapter shall not prohibit the use of alcohol or drugs in any of the following situations:
- (i) Where alcohol is consumed as a trace ingredient in prescription medication being taken by an *Employee*; or,
 - (ii) Where drugs are taken for the treatment of a medical illness or disorder and are either prescription or non-prescription and are used in accordance with the prescription or other instructions accompanying the medication.

In the event that either (i) or (ii) applies but the use of alcohol or drugs nevertheless gives rise to the circumstances described in (d) above, the “appropriate action” to be taken by the supervisor shall include reasonable efforts to accommodate the *Employee* by providing alternative work.

- (f) For purposes of this Chapter, normal office equipment shall not be deemed to constitute dangerous machinery.

Chapter 12 Enforcement

- (a) The enforcement of this By-law shall be both proactive and reactive.

- (b) Proactive enforcement will include:

- (i) The Human Resources department will give a copy of this By-law to each new *Employee* at the time of *hire*, and the Clerk will give a copy of this By-law to every member of any advisory board or committee to which this By-law applies at the time of appointment;

- (ii) This By-law will be made available on a continuing basis to all staff through electronic means so that every staff has access to it and can read, download, or print a copy;

- (iii) The Human Resources Department will conduct periodic training for staff in the matters covered by this By-law; and,

- (iv) Communication or other initiatives designed to persuade and inspire Employees to comply with this By-law or to partake in opportunities offered by it.

- (c) Failure to receive training will not be an excuse for non-compliance with this By-law.

- (d) Reactive enforcement will include:

- (i) All managers and supervisors are under a positive obligation to enforce this By-law and deal with breaches of the By-law by their subordinates that have come to their attention as appropriate in the circumstances. Also, managers and supervisors are required to consult with the Human Resources Department as necessary to determine what kind of response would be appropriate.

- (ii) If any person, including a member of the public, wants to make a complaint that someone has breached this By-law, the allegation shall be referred to the applicable director who will take appropriate action. If the complaint concerns a director, it will be referred to the applicable General Manager, if it concerns a General Manager or Director reporting to the City Manager, it will be referred to the City Manager, and if it concerns the City Manager it will be referred to the Mayor and Council.
- (iii) If there are specific rules within the Chapters of this By-law which pertain to the enforcement of particular matters (such as the rules for investigating harassment and discrimination complaints), the specific rules shall govern.
- (iv) Subject to the requirements of any disciplinary policy of the City, enforcement may include disciplinary action up to and including dismissal.
- (e) All *Employees* of the City and Members of Council shall cooperate with any investigations commenced under this By-law, and shall provide full and frank disclosure of what they know to any staff performing an investigation under this By-law. Failure to provide such cooperation shall be considered a serious breach of this By-law.

Chapter 13
Miscellany

- a) The following policies are repealed in their entirety:
 - HR13 (Conflict of Interest),
 - AP77 (Whistle-blowing),
 - HR9 (Discrimination and Harassment),
 - AP53 (Integrity of Computer Systems),
 - HR15 (Hiring of Relatives),
 - AP62 (Internet Acceptable Use),
 - HR001 (Dress),
 - HR002 (Dress Down),
 - AP64 (Communications).

(b) Transition

The policies repealed pursuant to (a) above shall nevertheless continue to apply in respect of any breaches of their terms which occurred before the effective date of this By-law. Despite the foregoing, any persons accused of a breach of any of the said policies shall be entitled to the benefit of any of applicable exceptions, defences, or relaxed requirements which have been added by this By-law.

As part of the transition in respect of the repeal of HR002 (Dress Down), the Human Resources Department will contact every *Employee* who has authorized a payroll deduction to ascertain whether the *Employee* wishes future deductions to be terminated or whether the *Employee* wishes the deductions to be applied for another cause or purpose.

(c) Effective Date

This By-law is effective immediately upon its passage.

Appendix 1
Prescribed Form for Reporting Gifts

Disclosure of Gifts, Entertainment or Other Benefits Code of Conduct By-law	
Employee's Name:	
Position (at time of gift receipt):	
Description of Gift:	
Date gift received:	
Person or Group who presented the gift:	
Occasion for which the gift was given:	
Estimated value of gift (must be over \$25 to be registered):	
What does the <i>Employee</i> intend to do with gift:	
Supervisor's Decision	

Signatures:

Employee: _____

Date: _____

Supervisor: _____

Date: _____

<p>Date of Enactment: October 16, 2006</p>	<p>Related By-law Number/Staff Report Number: 149-2006/EN2009-041 58-2009/ EN2009-041 60-2010/LO2010-002 70-2010 (consolidation) 102-2014 51-2016/ CS2016-033</p>
<p>Review and Amendment Dates: June 2010 (consolidation) August 25, 2014 (Chapter 2) March 29, 2016 (Remove Chapter 7 and renumber remaining Chapters)</p>	<p>Department Responsible for Review: Human Resources City Solicitor</p>
<p>Date of Next Review: 2014</p>	<p>Applicable Legislation/Legislative Authority: Ontario Human Rights Commission</p>