

CORPORATE POLICY



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POLICY STATEMENT:

The City of Waterloo (the City) is committed to creating and maintaining a workplace wherein employees are required to conduct themselves with personal integrity, ethics, respectfulness, honesty and diligence while at work and when representing the City. This Code of Conduct (“Code of Conduct”) policy outlines the City’s expectations of employee’s actions and decisions that impact City operations, programs and service delivery. This policy strives to protect the public by encouraging disclosure of any wrongdoing in order to protect the City’s reputation and uphold the commitment to its vision, mission, guiding principles and strategic pillars.

PURPOSE:

The purpose of the Code of Conduct is to identify clear expectations for City employees about how to conduct themselves on the job and when representing the City. This Code of Conduct reinforces the City's expectation for employees to report to work ready and willing to perform their duties to the best of their abilities so that the public is confident in the quality of the resources and services offered by the City.

DEFINITIONS:

Business Gifts and Benefits refers to any gift, payment, favour or any form of entertainment from a business associate offered to an employee and/or accepted by an employee.

Conflict of Interest is any situation in which an employee or member of their family has a direct or indirect personal or financial interest such that they could influence a decision made by the City for personal or financial gain or when their personal or financial interests may affect the performance of their job duties and/or adversely affect the reputation of the City as a public authority in the community.

Contractor is any person(s) or firm(s) that provides goods and/or services to the City under terms specified in a contract or other agreement and is not paid through the City's payroll.

Diligence is the level of attention, judgement, care, prudence, determination and activity that a person would reasonably be expected to do under particular circumstances.

Discrimination is any form of unequal treatment based on any protected ground(s) under the *Ontario Human Rights Code*, whether imposing extra burdens or denying benefits. It may be intentional or unintentional. It may involve direct actions that are discriminatory on the surface, or it may involve rules, practices or procedures that appear neutral, but disadvantage certain groups of people.

Disrespectful Behaviour is failing or refusing to treat others in a professional, courteous, civil, dignified, fair and/or equitable manner, whether through words or actions.

Employee is a person who performs work (also known as worker) or supplies services for monetary compensation (as defined under the Occupational Health and Safety Act (OHSA)). It also includes all secondary or post-secondary students who perform work or supply services for monetary compensation or for no monetary compensation under a work experience program operated by or approved by a secondary or post-secondary institution.

Ethics are the moral principles that direct a person's behaviour and the values and guiding principles that affect how organizational decisions are made.

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Ethical Misconduct/ Employee Business Related Wrongdoing refers to business-related wrongdoings including but not limited to any criminal, fraudulent, illegal or dishonest activity and constitutes a breach of trust.

Honesty is being clear, fair, straightforward and adhering to facts of truth in behaviours and actions.

Personal Integrity encompasses the moral principles one holds themselves to in order to gain trust, show self-respect, and display a professional work ethic.

Political Activities include but are not limited to canvassing, campaigning or fundraising which aims to advance an individual's political interests.

Relative is a person's spouse, common-law spouse, partner, person living in a conjugal relationship, natural child, adopted child, step-child, child-in-law, natural parent, adoptive parent, step-parent, parent-in-law, natural siblings, or step siblings.

Reprisal refers to any form of harassment, intimidation, dismissal, suspension, demotion, discipline or threat of dismissal, suspension, demotion or discipline directed at an employee who, in good faith, raises a concern of wrongdoing.

Respectful (ness) is treating others in a professional, courteous, civil, dignified, fair and/or equitable manner, whether through words or actions.

Substance refers to any substance that is ingested, consumed or otherwise taken, and includes alcohol, cannabis and other drugs (whether legal or illegal) and medication.

Supervisor, as defined by the *OHSA*, is a person who has charge of a workplace or authority over a worker. *For the purpose of this policy, 'supervisor' includes employees with the titles of Supervisor, Manager, Assistant Deputy Chief, Deputy Chief, Director, Fire Chief, Commissioner, CAO or equivalent.*

Volunteer is anyone who, without compensation or expectation of compensation, performs a task at the direction of and on behalf of the City.

Workplace is any land, property, structures, facilities, premises, location, City vehicle and equipment owned, leased, operated or otherwise controlled by the City or any other place at, upon, from or near which an employee works in the course of their duties. This may include social functions, training and conferences, during travel, at restaurants, hotels or meeting facilities being used for business purposes, during telephone, email or other electronic communications such as texting and instant messaging, and social media.

Workplace harassment is a) engaging in a course of vexatious (annoying or provoking) comment or conduct against a worker in a workplace that is known or ought reasonably to be known to be unwelcome (b) workplace sexual harassment.

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Workplace incivility is disrespectful workplace behaviour that does not amount to harassment or bullying but can include such behaviours as being rude, discourteous, impolite, or minor violations of workplace behavioural policies.

Workplace sexual harassment is a) engaging in a course of vexatious (annoying or provoking) comment or conduct against a worker in a workplace because of sex, sexual orientation, gender identity or gender expression, where course of comment or conduct is known or ought reasonably known be unwelcome, or; b) making a sexual solicitation or advance where the person making the solicitation or advance is in a position to confer, grant or deny a benefit or advancement to the worker and the person knows or ought reasonably know that the solicitation or advance is unwelcome.

Sexual harassment includes conduct or comments of a sexual nature that the recipient does not welcome or that offend them. Sexual and gender-based harassment also includes negative or inappropriate conduct or comments that are not necessarily sexual in nature, but which are demeaning to an individual because of their gender or sex. The comments or conduct may constitute sexual or gender-based harassment even if they are not directed at a particular individual but are unwelcome.

SCOPE:

This policy applies to all employees, students, contractors and volunteers regardless of work location.

POLICY COMMUNICATION:

The policy will be available on the City's website and intranet. Upon implementation, existing employees and management will be informed of their respective responsibilities under this policy via a communication plan. New employees will receive a copy in their new hire orientation e-package.

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POLICY:

1.0 GENERAL POLICY

The City recognizes that it is only through the commitment, awareness and effort of each employee that service excellence is achieved and that public trust is maintained. As such, City employees are expected to demonstrate the highest standards of ethical, respectful and professional behavior, applying the principles of this Code of Conduct in every aspect of their duties.

2.0 RESPONSIBILITIES

In the City's commitment to create and maintain a workplace where all employees are required to conduct themselves with personal integrity, ethics, respectfulness, honesty and diligence, all employees (including supervisors) are responsible to:

- be familiar with the provisions of the Code of Conduct and adhere to it at all times;
- promote a workplace that fosters positive communication, collaboration, teamwork and sharing of ideas and opinions;
- conduct their interactions respectfully and encourage fair and respectful treatment of others;
- ensure personal and professional conduct reflects and supports public confidence in the City;
- report to work able and willing to perform their duties;
- ensure that their conduct, whether on or off duty, supports the principles outlined in the Code of Conduct;
- report any wrongdoing or contravention of the Code of Conduct to the Human Resources Division, appropriate director and/or the Chief Administrative Officer (CAO) or via the Ethics Reporting Hotline Toll-free 1-888-650-7768 or <https://reporting.cornerstonegovernance.com> anonymously; and,
- handle confidential and proprietary information in a manner that supports and protects the City and public interests.

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Supervisors are responsible to:

- ensure all employees are aware of the Code of Conduct and accountable for compliance;
- develop and implement divisional policies, procedures and programs which guide employee behaviours and actions in a manner that is consistent with the Code of Conduct;
- take reasonable precautions to protect employees who report suspected wrongdoing in good faith from reprisal and/or retaliation;
- be open and available to employees, welcoming and encouraging discussions related to the Code of Conduct; and,
- where necessary, implement reasonable corrective and/or disciplinary actions as a result of breaches of the Code of Conduct.

The City is responsible to:

- implement and review the Code of Conduct on a regular basis;
- ensure all employees are aware of and acknowledge their understanding of the Code of Conduct;
- take reasonable precaution to protect employees, who report suspected wrongdoing in good faith from reprisal and/or retaliation; and,
- implement reasonable corrective and/or disciplinary actions as a result of breaches to the policy.

3.0 STANDARDS OF CONDUCT

3.1 RESPECTFUL BEHAVIOUR

The City is committed to providing and maintaining a psychologically safe workplace that is respectful, inclusive, where all individuals are valued. In accordance with the Respectful Workplace Policy and Program H-002 and Workplace Violence Policy and Program H-003, the City prohibits workplace disrespect, harassment (including sexual harassment), discrimination and violence. The City's Respectful Workplace Policy and Program H-002 and Workplace Violence Policy and Program H-003 should be reviewed for additional information.

3.2 ETHICAL MISCONDUCT/EMPLOYEE BUSINESS RELATED WRONGDOING

Ethical misconduct/employee business related wrongdoing will not be tolerated and will be subject to disciplinary action, up to prosecution, if necessary. Ethical misconduct/employee business related wrongdoings include but are not limited to the following actions/behaviours:

- theft, fraud, embezzlement or misappropriation of funds, goods and supplies, resources and other assets or paid work time;
- misuse or abuse of authority in the context of purchasing goods and/or services;

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- the use of City money, property, resources or authority for personal gain except as provided under City policy or approval;
- showing undue favour to a contractor or supplier of goods and/or services in accordance with the by-law to establish policies for the procurement of Goods and Services by the City;
- breach of confidentiality;
- breach of or failure to implement or comply with a divisional or corporate policy or procedure;
- solicitation and/or acceptance of bribes; and,
- intentionally providing false or incomplete information including falsification of records.

Should an employee have a concern or knowledge of ethical misconduct/employee business related wrongdoing, the Employee Ethics Hotline can be used to report anonymously. Please review the City's Ethics Reporting Procedure for additional information.

3.3 CONFLICT OF INTEREST

Employees should avoid activities or circumstances that create real or perceived conflicts between their personal interests and their responsibilities as employees. Any employee obligation, interest or participation, which would or could interfere with the best interests of the City or the employee's independent exercise of judgment on behalf of the City, constitutes a conflict of interest. Employees should disclose any obligation, interest or participation that would constitute a conflict of interest to their supervisor. If employees are unclear about whether the obligation, interest or participation could constitute a conflict of interest, they should consult with their supervisor.

A conflict of interest could include the following, without limitation:

- engaging in or influencing any business or transaction in which the employee may benefit personally or financially or having financial or other personal interest that interferes with the performance of an employee's official duties;
- any activities which adversely conflict with an employee's duties at the City;
- the use of City equipment, tools, materials, property or information in any form whatsoever, in the pursuit of supplementary employment including self-employment or personal benefit;
- any activities, representations or conduct outside of the course of employment which could appear to be official acts of the City or could appear to represent the opinions or policies of the City; and,
- the purchase of goods and/or services from any City employees or any business entity, in which the employee has a direct or indirect financial interest over, or which the employee exercises control or direction.

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3.4 HIRING OF RELATIVES

The City is committed to transparent recruitment practices that promote inclusive, barrier-free, and equal access to employment opportunities within the organization. All applicants will be requested to disclose the names of all relatives who are current employees or elected officials of the City. The City's Recruitment Policy H-012 should be reviewed for additional information.

3.5 OUTSIDE ACTIVITIES

Outside activities, whether consisting of employment for profit or participation in non-profit activities, are generally permitted subject to the following conditions:

- the outside activities must not occur during scheduled work time and must occur wholly in the employee's personal time;
- there must be no perceived conflict or conflict of interest with the employee's official duties;
- there must be no perceived adverse effect on the community or the ability of the employee or other staff to perform their duties and functions;
- any external advertisement by any employee will not illustrate their employment with the City if such advertisement is for personal gain or for any commercial or political purposes;
- 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; and,
- 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 and will be reviewed with Human Resources and the Corporate Management Team.

3.6 PERFORMANCE MANAGEMENT

The City expects that all employees will work consistently to reflect the vision, mission and guiding principles and will contribute to meeting corporate, departmental, and divisional goals and objectives. Performance issues and/or misconduct will be addressed early, regularly, clearly and consistently. Recognizing that each performance concern has its own set of unique circumstances, each situation must be reviewed on its individual merits, with the ultimate goal of supporting the employee to improve their performance, adjust their actions, and/or change their behaviours to meet established expectations.

3.7 POLITICAL ACTIVITIES

The use of corporate resources and property for political activity, demonstrations and/or campaign activity is not permitted. Employees interested in engaging in election campaign activities or running for elected office both during working hours or outside of working hours for the City or positions external to the City should refer to the Use of

Corporate Resources and Election Campaign Activities Policy G-004. For assistance in interpreting this policy please contact the City Clerk or Deputy City Clerk.

3.8 FUNDRAISING

Employees are prohibited from personally soliciting funds from any person or organization, if doing so would place them in a conflict of interest or compromise the integrity of the City. The City recognizes there will be times when fundraising is acceptable within the Code of Conduct. Examples of appropriate fundraising could include the following:

- selling tickets or issuing invitations to fundraising events organized by a charitable organization where corporate approval has been received by a director, commissioner or CAO, e.g. United Way Campaign event;
- participating in corporately sponsored events such as sports tournaments, races or other events; and,
- establishing a donation collection centre and/or a fundraising website, e.g. a GoFundMe for employees who have experienced personal hardship as approved by the Director, Human Resources.

Examples of inappropriate fundraising could include the following:

- the use of divisional/departmental resources for non-approved fundraising, e.g. sending out fundraising requests from the employee's City email address or using City letterhead;
- soliciting funds from a person or organization with which the City has had official dealings or with which there is a reasonable likelihood that the City may have official dealings;
- soliciting funds to support an employee's personal endeavours on behalf of the City without direct consent from a director, commissioner or CAO; and,
- establishing a charitable foundation for the purpose of raising money to specifically benefit an employee's private interests, relative, extended family or friend.

3.9 USE OF CITY FUNDS AND ASSETS

The City's funds and assets will be used by employees only for City business purposes, and in an efficient and cost-effective manner. City assets include, but are not limited to, scheduled work time, property, equipment, software, information, and materials. All City intellectual property developed by or through the City or any of its employees is and shall remain the property of the City. Employees will act in a manner that protects all City funds and assets from waste, loss, damage, misuse, theft and misappropriation.

3.10 GIFTS AND BENEFITS

In order to preserve the City's reputation of integrity; business gifts are discouraged, unless of a nominal value of \$50 or less. Employees should not solicit or accept any gifts, payments, tickets, favours or any form of entertainment where its acceptance could result in a conflict of interest by placing the employee under obligation or compromising their integrity.

Any gifts, payments, tickets or other items exceeding this nominal value should be returned to the sender with an acknowledgement and reference to this policy. Employees should seek guidance from their supervisor when unsure whether a gift could constitute a breach of this policy. Depending on the circumstances, it may be appropriate to forward the gift to the employee's commissioner to be made available to all department staff with an acknowledgement to the sender.

If an employee receives an invitation to attend a hospitality event that is paid for by an industry or private sector business associate, employees will be required to request approval to attend the event from their commissioner. The commissioner will determine if a conflict of interest exists or could be perceived to exist and will approve attendance or advise the employee that it is not appropriate to attend.

When a business associate pays for a meal, such that the employee will not have the opportunity to reciprocate, the employee will express concern to the business associate and advise their supervisor. When a private sector host or business partner invites an employee to participate in a meal at an event held at a City owned facility, the employee should contact their supervisor to request permission either verbally or via email prior to accepting the invitation. Permission will not typically be denied when the value of the meal is less than \$50.

3.11 CONFIDENTIAL INFORMATION

The City and its employees shall safeguard all confidential information. The obligation to keep confidential information gained through employment is a continuing obligation, even after employment ends with the City. Individual privacy will be protected in accordance with the *Municipal Freedom of Information and Protection of Privacy Act*:

- no employee shall disclose or release to any member of the public confidential information acquired by virtue of their employment, in either oral or written form, except where required by law or authorized by Council;
- employees shall not disclose any information that has been discussed in closed Council session or is not yet available to the public, unless authorized by Council;
- no employee shall use confidential information for personal, financial or other gain to themselves, a family member, any other person or any corporation;

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- employees shall not directly or indirectly benefit or aid others to benefit from any knowledge obtained as a result of their employment with the City;
- employees shall not access or attempt to gain access to confidential information in the possession of the City unless it is necessary for the performance of their duties and not prohibited by law or Council policy; and,
- employees shall only use, collect or disclose information for the purpose of carrying out required duties.

3.12 DIVERSITY, EQUITY AND INCLUSION

The City's commitment to diversity, equity and inclusion promotes a sense of belonging, acceptance and value for all. All employees are responsible to:

- communicate respectfully, regardless of title or position, whether in person or virtual;
- behave in a way that does not offend, intimidate, degrade, insult or humiliate others, including but not limited to jokes, banter, cliques, gossip, ridicule or taunts;
- be open to giving and accepting feedback that is kind, respectful, clear and constructive and is focused on goals rather than personal preferences;
- recognize inappropriate behaviour in others and help promote respectful behaviour to create change, e.g. don't ignore inappropriate banter, jokes;
- seek opportunities for enhanced learning development;
- commit to self-improvement by being open to having discussions and listening;
- seek out opportunities to include people in casual, conversational or work-related team interactions;
- avoid labels, slang or idioms;
- invest in the physical, mental and emotional well-being of self through ongoing learning; and,
- encourage transparent and cooperative discussion and hold each other accountable to role model respectful behaviour.

The City will not tolerate exclusionary behaviours such as incivility, harassment (including discrimination) and workplace violence and isolation of individuals and groups. In accordance with the *Ontario Human Rights Code*, the Respectful Workplace Policy and Program H-002 and the Violence in the Workplace Policy and Program H-003, the City recognizes the dignity and worth of every employee and seeks to foster a culture where equal rights and access to opportunities are provided without discrimination. The City actively supports a culture of understanding and mutual respect for the dignity and worth of each employee.

3.13 DRESSCODE

Employees should dress appropriately to conduct municipal business while not limiting individual expression. A suitable appearance is important for employees who, at any time, may come into contact with the public and/or municipal clients.

Employees' clothing and footwear shall at all times:

- be clean and neat in appearance, recognizing that some positions may result in clothing/uniform becoming soiled during the course of a workday;
- be appropriate for the work being performed, recognizing that different positions will have different requirements, e.g. indoor workers vs outdoor workers;
- reflect professionalism when meeting with the public whether in the office, virtual or in the field, e.g. clothing should not have tears/rips/frays;
- consider personal safety, reducing any potential risks or hazards; and,
- be free from inappropriate messages, graphics and explicit language.

Employees will limit their use of fragrances, especially when working in an office environment where other employees or members of the public may have allergies or scent sensitivities.

3.13.1 Dress Down Days

Corporately Sanctioned Dress Down Day: Employees can participate in a corporately sanctioned dress down day in which casual dress is permitted one day of the week in accordance with the specifics of the program, e.g. the United Way Dress Down Campaign. The same standards of dress which are applicable on other days shall apply to dress down days, with the exception that employees who have contributed to a corporately sanctioned campaign are permitted to wear denim. Employees are reminded to be mindful when meeting with visitors or business partners on Dress Down Days.

Casual Jean Fridays: The same standards of dress which are applicable on other days will apply to "Casual Jean Friday", with the exception that employees who are not otherwise permitted to wear denim jeans may. Should a public holiday fall on a Friday, Casual Jean Friday will be acceptable on the Thursday preceding.

Employees are reminded to be mindful of meetings with visitors or business partners on Casual Jean Fridays. Dress down days do not apply to employees with a specific dress/uniform policy, e.g. Fire Fighters, or those required to wear certain clothing that has been issued pursuant to the provisions of any applicable Collective Agreement, or where the wearing of specific clothing is a requirement to conduct the work safely.

3.13.2 Days of Recognition

Throughout the year, the City will advise of Days of Recognition in which additional allowances will be made for employees to participate by wearing specific clothing to demonstrate support. Examples of these days include but are not limited to: National Day for Truth and Reconciliation, National Anti-Bullying Day and Red Dress Day.

3.13.3 ID Badges

Employee identification is a critical component of effective customer service to the public and also enables staff to quickly identify fellow employees, ensuring a more secure work environment. All employees are required to wear City issued employee identification badges while on duty unless otherwise advised by their supervisor due to a safety hazard. Badges must be worn in a visible place to enable quick and easy identification.

All badges will be issued by Human Resources at the time of hire, department reclassification, or in the event of a change of name or change in facility location. Badges will contain a photograph of the employee, division name, first name and either last name or first initial of last name. Employees who do not wear their identification badge may be denied access to other departments and facility areas. Employees are responsible for the safekeeping of their badges. There may be a \$5.00 replacement charge for misplacement/loss of badges. Badges must be returned to the City upon termination of employment.

3.14 SUBSTANCE USE

All employees are prohibited from the following activities while in the workplace conducting City business and/or representing the City:

- using alcohol or other substances, including cannabis, illegal substances or medications that may impair performance, workplace safety or the ability to drive a vehicle where required;
- being impaired/unfit for duty due to the use, or after-effects, of the substances above;
- possession, distribution, offering or sale of alcohol, cannabis and other drugs/substances in the workplace; and,
- where alcohol is served as a customary form of hospitality at an event, e.g. corporate event, party, conference, an employee is not prohibited from consuming alcohol but is expected to consume and act responsibly, including using alternate forms of transportation such as taxis and public transit.

The City recognizes that alcohol and drug addictions are treatable and early intervention greatly improves the probability of long-term recovery.

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Employees who believe they have a substance use problem or addiction are encouraged to promptly seek assistance and to obtain appropriate support. Various resources are available to support employees, e.g. Employee and Family Assistance Program (EFAP) and Extended Health Care (EHC) benefits for those employees who are eligible. Please speak to a supervisor or a member of Human Resources to discuss additional resources and supports. Please refer to the Substance Use Procedure for additional information.

3.15 RELATIONS WITH THE MEDIA AND INFORMATION SHARING

The CAO, Corporate Management Team, directors, Communications Division, or other employees authorized by those mentioned above, may communicate with the media. Other employees who receive inquiries from the media should direct them to one or more of those mentioned above. Except to report a wrongdoing pursuant to the Ethics Reporting Procedure, no confidential information shall be released to any person other than the CAO, Corporate Management Team or directors.

3.16 TECHNOLOGY

A significant portion of our communication and information is in electronic form. Employees have access to various forms of electronic media and services, computers, internet, virtual private network (VPN), e-mail, telephones, voice-mail, cell phones and intranet. The City encourages the use of electronic communication devices, media and services to facilitate business activities. Mobile devices are required tools for the normal course of conducting business and a significant investment has been made by the City to provide authorized users with devices, services, licensing, and infrastructure. The IS-1.01 Corporately Issued Mobile Devices and Services Procedure should be reviewed for additional information.

Electronic media and services are primarily for business use. The systems are to be used in a manner that increases the productivity of employees while undertaking work related activities. Limited, occasional or incidental use of electronic media and services for personal, non-business purposes is understandable and acceptable. However, employees must demonstrate a sense of responsibility and may not abuse the privilege. The City is not liable for any personal losses or damages as a result of lost, misplaced or unsaved information. Please see Information Security Policy A-010 for additional information.

All information created through the employee's use of the City's information technology resources is City property. Where permitted by law, the City may use technology with monitoring capabilities to collect information about employee activities, while conducting business in City facilities and properties or while using City devices and equipment. The City reserves the right to review any employee files, messages and usage to the extent necessary to ensure compliance with City policies and as deemed necessary by the Director, Human Resources.

4.0 REVIEW:

Human Resources reserves the right to review and evaluate this Policy on a regular basis and amend as necessary. The Corporate Management Team, directors, managers and internal unions/associations will have the opportunity to participate in the review.

COMPLIANCE:

In cases of policy violation, the City may investigate and determine appropriate corrective action.