

District of West Vancouver

POLICY

Title: Standards of Conduct
Division: Human Resources
Policy Number: 0019
File Number: 0282-20-0019

1. Purpose

- 1.1. The purpose of this policy is to provide guidelines for appropriate employee conduct within The Corporation of the District of West Vancouver.

2. Policy

- 2.1. The District confirms that its function is the delivery of public service and acknowledges and accepts that all persons who are involved in the delivery of a public service must consistently meet the highest standard of ethical behaviour in order to preserve, maintain and enhance the confidence of the public in the manner in which the role of the District is discharged. This standard of conduct is required from every person who performs work or services for the District.
- 2.2. Compliance with this policy obliges each employee to ensure that nothing done in the discharge of duties as an employee of the District, and nothing done in the management of his/her affairs outside the scope of the employment, will constitute a breach of this policy.

3. Definitions

Benefit – means any right or thing capable of being measured in terms of financial value or affecting or having the potential to affect a person’s financial worth or assets;

The Corporation of the District of West Vancouver – as defined in the *Local Government Act*, may be referred to as the District or Municipality;

Child – means a person to whom the employee is a parent or to whom the employee has demonstrated a settled intention to treat as a child of their own family;

Employee – includes: exempt; temporary; casual; dependent contractor; permanent full-time; permanent part-time;

Former Employee – means a person who was an employee of the District within the last 12 months;

Immediate Family – includes parent, spouse, (including same sex, common law, residing as partner), brother, sister, child, ward, guardian, grandparent, stepmother, stepfather, father-in-law, mother-in-law, brother-in-law, sister-in-law or other relative living in the same household;

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Misconduct – includes dishonesty, theft, fraud, assault, willful destruction of District property;

Chief Administrative Officer – includes the Acting Chief Administrative Officer (CAO) or designate;

Personal Interest – means any direct or indirect benefit and shall include a benefit received by an immediate family member; a corporation in which the employee owns 30% or more of the voting shares; a partnership of which the employee is a member;

Spouse – means a person:

- a) who is married to an employee and is not living separate or apart, within the meaning of the Divorce Act (Canada), from the other person, or
- b) who is living with an employee, in a marriage like and/or common law relationship.

4. Conflict of Interest

4.1. An actual conflict of interest arises whenever:

- a) an employee receives a personal benefit of a financial or any other nature other than that normally entitled by conditions of employment, for the performance of the employee's duties, responsibilities or obligations as a District employee to the District and the public, or
- b) an employee's personal interests or conduct could compromise the trust which the public and internal customers place in the District and/or the employee.

4.2. A potential or perceived conflict of interest arises when a well-informed person acting reasonably would conclude that the employee has or will receive a benefit.

4.3. A conflict of interest includes, but is not limited to, circumstances where an employee or an immediate family member:

- a) has a direct or indirect benefit in a proposed contract or transaction with the District; except as provided in 4.7 (c);
- b) is a shareholder, officer, director, employee or agent of, or is otherwise associated directly or indirectly with any entity which seeks to contract, transact or otherwise do business with the District; or
- c) realizes a personal gain or profit at any time as a direct or indirect result of any negotiations or dealings undertaken by the employee in the course of employment or as a result of the use of any information obtained in the course of employment other than the exceptions outlined in Section 4.5.

4.4. Employees shall not grant any benefit, consideration, treatment or advantage to any person beyond that which is available to all members of the public. Nor shall they place themselves in a position where they are under obligation to any person who might benefit from special consideration or favour on their part, or who might seek preferential treatment in any way.

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A District employee shall avoid any situation wherein their personal, social or business involvement would, or would appear to, interfere with or be in conflict with the business of the District.

4.4. A District employee is prohibited from:

- a) accepting gifts exceeding an aggregate value of \$100 in any year as a consequence of the performance of the employee's duties, other than:
 - gifts as a token of appreciation for making a presentation at a conference, seminar, meeting, or
 - as a protocol or a social obligation, seasonal gifts (flowers, chocolates, etc.), or
 - an award presented in recognition of meritorious service in the course of performing their duties, or
 - Air Miles collected as a result of travel on behalf of the District of West Vancouver. These are to be considered the employee's for their personal usage in recognition of the time away from home required of such business travel;

An employee is not to solicit or accept any gift, present or favour, the acceptance of which would be based on the "reasonable person" standard in common law, place or appear to place an employee or the District under any obligation or otherwise compromise the organization. If there is any uncertainty, the employee is to discuss the matter with their Department Head. The Department Head will either make a decision or forward the matter for further consideration to the Divisional Director;

The District recognizes that there are some perquisites (perks) provided by the employer to employees of some divisions as a result of their work function. The District recognizes the service benefit of such perks with the understanding that the needs of the community are met first and there is no additional cost to the District as a result of the perk;

- b) using their position as an employee of the District to advance their private interest or that of an immediate family member;
- c) entering into any contract to which the District is a party which produces any benefit to the employee or an immediate family member;
- d) awarding a contract or granting a benefit on behalf of the District to any individual or organization in exchange for a gift or benefit;
- e) influencing or attempting to influence any other employee of the District to make a decision which will or may advance the private interest of, or produce any benefit for, the employee or their immediate family;
- f) accepting money or other consideration, from other than the District, for duties performed on behalf of the District;
- g) receiving or demanding to receive preferential treatment in the use of Municipal facilities or services unless it is a requirement of Municipal duties;
- h) promoting the use by the District of any goods and services from which the employee or their immediate family may receive a personal gain.

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- 4.6.** A District employee is prohibited from being involved in or influencing the awarding of any work to or ordering supplies from:
- a) an immediate family member, or
 - b) a firm, company or partnership in which the employee or their immediate family alone or with others holds an interest.

4.7. No employee or former employee shall, directly or indirectly:

- a) influence or attempt to influence any employee of the District to make any decision which will or may advance the interest of or produce a non-work related personal benefit for the employee, a former employee or their immediate family;
- b) enter into any contract with the District, if the employee or former employee had access to inside information related to the contract, which produces any benefit for the employee, former employee or their immediate family;
- c) benefit from the awarding of a contract with the District unless the following applies:

If the District calls for tenders or seeks proposals for a contract for the acquisition or disposal of land, goods or services, or the development or improvement of land, an employee, former employee or an immediate family member may submit a bid or proposal accompanied by particulars of the benefit which may accrue to the employee, the former employee or immediate family member if the bid or proposal is accepted. If in the opinion of the Purchasing Agent the awarding of the contract would be in the best interest of the District, the following procedures may be taken to approve the awarding of the contract:

- full particulars of the proposed contract and the bid or proposal will be given to the Chief Administrative Officer (CAO) for consideration;
- the CAO, if satisfied that the bid or proposal will provide significant benefits to the District not otherwise obtainable, may submit a report to Council recommending the awarding of the contract;
- the Council, after such inquiry as it deems necessary, may approve the awarding of the contract subject to such conditions as it may stipulate;
- If an employee, depending on the contract, he/she may be required by the District to resign their employment as a condition of accepting the contract.

4.8. Employment

Employees shall not be employed in situations where a supervisory reporting relationship exists with another employee who is an immediate family member or where an intimate “personal” relationship exists and where such supervisor has influence, input or decision making power over the subordinate individual’s performance evaluation, salary, premiums, conditions of work and related matters, unless approved by the Chief Administrative Officer (CAO).

4.9. Disclosure

- a) Every employee who is aware or has any reason to believe that a conflict of interest within the scope of this policy, or a breach of this policy, has arisen or may arise in respect of any matter touching upon the affairs of the District shall forthwith report the matter to their immediate supervisor and provide such

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particulars of the matter as are within the knowledge or control of the employee.

- b) Where an actual or potential conflict of interest arises, or may arise, the affected employee shall immediately disclose in writing to their Department Head/Manager the nature and extent of such conflict of interest.
- c) Any employee who discloses either a perceived breach of this policy or an alleged conflict of interest situation is protected from disciplinary action or other employment implications unless the disclosure is found to be vexatious.
- d) Where the Department Head/Manager determines that an employee has become involved in, concealed, or has unreasonably failed to disclose a conflict of interest, the Department Head/Manager, in consultation with the Director of Human Resources or designate, may take disciplinary action up to and including termination.

5. Misconduct

Employees must conduct themselves in an honest manner. An employee engaging in acts of dishonesty, or who commits theft or fraud, assault, or willful destruction of District property will be subject to disciplinary action up to and including dismissal.

6. Confidentiality

Except as required by law, or as expressly required in the performance of a specific job function, employees shall not divulge or disclose any information which the employee receives or becomes aware of in the course of employment. This confidentiality requirement survives employment with the District and employees who are no longer employed with the District will be prohibited from divulging or disclosing any confidential information which the employee received or became aware of in the course of employment. Staff must be aware of and adhere to the Freedom of Information and Protection of Privacy Act as it relates to the release or acquisition of information in the performance of their duties.

7. Expectations and Obligations

- 7.1. It is expected that employees will address their full attention during working hours to carry out their duties and responsibilities and furthering the interests of the District. Employment outside the District must neither impact on an employee's ability to perform their job during working hours nor damage the District's reputation.
- 7.2. An employee while receiving paid sick leave or WCB benefits from the District shall not work elsewhere without the District's approval. Approval will only be granted where medical proof, satisfactory to the District, recommends the alternate employment as part of a treatment/rehabilitation program and when such alternate employment is beneficial to the recovery process. Wages earned during the approved alternate employment shall be paid, upon receipt, to the District. The employee's sick leave and gratuity bank shall be credited for the number of days represented by the payment.

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- 7.3. While employed in a full-time position with the District, no employee shall be allowed to work in a part-time position with the District.
- 7.4. Where a full-time unionized employee works less than 40 hours per week and wishes to apply for a non-union instructional position, the combined maximum worked per week between the regular full-time position and the instructional work cannot be greater than a total of 40 hours per week. A proposal for consideration of such an opportunity is to be provided in writing to the employee's supervisor and receive prior written approval from the employee's non-union manager and Department Head.
- 7.5. Where employed in a permanent part-time position with the District, an employee may apply to work in either other part-time positions or casual work as long as the maximum hours worked are equal to or less than full-time hours for that employee unit with the District.
- 7.6. Where an employee is also employed with an employer other than the District of West Vancouver, that employee shall notify his or her Department Head of the other employment so that the Department Head can ascertain if the other employment is in contravention of Section 7.1. If the Department Head has any concerns, they will share these at the time of notification. (Exempt employees please see "Policies Concerning Terms and Conditions of Employment for Exempt Employees").
- 7.7. Any other employment may not compete in any way with either the work done for the District or the business of the District.
- 7.8. Employees who have other business interests shall not park an identifiable "other" business vehicle on Municipal property, nor shall they conduct their business affairs on Municipal property or on Municipal time.

8. Disclosure of Property Ownership

- 8.1. All persons required to submit disclosures of business, real estate or other holdings under the *Financial Disclosure Act* shall do so in the manner prescribed by the Act.
- 8.2. Where an employee is involved, directly or indirectly, in any property development within the District, except for their personal residence, but specifically including subdivisions, the employee shall notify their Department Head of the involvement. The Department Head will then communicate this information to the CAO, who, in turn, will advise Council of the employee's involvement.

9. Misuse of Property, Services and Information

Municipal property, including vehicles, equipment and material and municipal information, whether electronic or other, shall be used in the performance of Municipal duties and shall not be used for illegal purposes, personal benefit (including commercial endeavour), or unauthorized non-Municipal use. There may be occasion whereby a request is received from an employee to borrow minor equipment (e.g. digital camera). The Department Head responsible for the property must authorize any use of any such equipment for personal use. Authorization can only be provided if the following criteria are met:

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- the District does not need the property during the time period being requested;
- there is no potential liability to the District;
- there is no requirement for special training or licence to use the property required;
- the property will only be used by the employee;
- the employee will pay for any damage to the property;
- the request is for a short time period;
- there will only be minor wear and tear to the property;
- the request does not involve expensive property or property that would be difficult to replace if damaged;
- if the request is not a frequent one from the individual.

Notwithstanding the preceding, an employee may only use a Municipal vehicle for personal use when this use is consistent with the employee's terms of employment and the District's Vehicle Use and Allowance Policy.

Communication tools are to be used for legal and business purposes only. It is acknowledged that from time to time, communication tools may be used for limited personal use. If a communication tool is used for non-District purposes the employee may be asked to pay for any costs attributable to this use.

10. Political Activity

- 10.1.** Where an employee runs for and is elected to a public office at the Municipal, other than West Vancouver, Provincial, or Federal level or for a School Board, the time spent running for office, and their time in office during their normal hours of work shall be considered leave without pay for one term of office. Approval for subsequent terms will be considered on an individual basis.
- 10.2.** Consistent with the *Local Government Act* and Community Charter, an employee who runs for Mayor or Councillor at the District of West Vancouver is required to take a leave of absence without pay from the time of filing nomination papers. If elected, the employee must, before taking the oath of office, resign their position with the District.

11. Public Statements

- 11.1.** Written press releases on issues before Council or that may come before Council shall be approved for release by the CAO, Mayor or Council.
- 11.2.** Department Heads, and Professional Staff with their Department Head's knowledge, may talk to the media on technical and procedural matters before Council (this does not include opinions regarding Council policy). The Communications Manager is the key contact for media relations and should be contacted for guidance and support in handling other media inquiries or issues.
- 11.3.** Information which is regularly available to the public will be provided to the media upon request. However, employees shall consult their immediate supervisor, who in turn will notify the CAO, of all other media requests and consult the CAO or

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Communications Manager on matters where there is uncertainty as to the appropriateness of the response.

- 11.4. Employees are to avoid entering into public political debate or advocacy regarding District policies. Particular caution is required when an employee makes any public comment under circumstances where their position could be seen to lend weight to the opinion expressed.
- 11.5. Employees making public statements on personal issues which impact them as residents or employees of West Vancouver must not identify themselves as employees of the District.
- 11.6. Employees who have concerns regarding administrative practices, misuse of public funds or believe a situation results in danger to public health or safety shall bring the matter to the attention of the Department Head. Where this does not resolve the matter then concerns should be directed to the CAO.


12. Penalties and Appeals

- 12.1. If an employee breaches one or more of these guidelines it may result in one or more of the following actions:
 - a) the employee may be ordered to divest themselves of the outside interest or ownership or transfer it to a blind trust;
 - b) the employee may be transferred to another area of the Department or Municipality;
 - c) the employee may be removed temporarily with or without pay from the duties which brought about the conflict of interest;
 - d) disciplinary action up to and including termination;
 - e) civil action;
 - f) civil action and criminal prosecution.
- 12.2. Exempt employees may appeal any disciplinary action to the CAO. Union employees may follow the procedures as prescribed in the applicable Collective Agreement.

13. Approval

Approved by	<input checked="" type="checkbox"/> CAO	<input type="checkbox"/> Mayor and Council
Approval date	2018/08/10	
Council minutes eDocs # (Council Policies only)	n/a	
Council report eDocs # (Council Policies only)	n/a	

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Signature	
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14. Additional Information

Category	<input type="checkbox"/> Council	<input checked="" type="checkbox"/> Administrative
Related procedure	<input type="checkbox"/> Yes	<input checked="" type="checkbox"/> No
Date of last review	n/a	