

Bill No. 104
2020

By-law No. CPOL.-_____ - ____

A by-law to adopt a new Council Policy By-Law
entitled "Code of Ethics".

WHEREAS section 5(3) of the *Municipal Act, 2001*, S.O. 2001, C.25, as amended, provides that a municipal power shall be exercised by by-law;

AND WHEREAS section 9 of the *Municipal Act, 2001*, S.O. 2001, C.25, as amended, provides a municipality with the capacity, rights, powers and privileges of a natural person for the purpose of exercising its authority;

AND WHEREAS the Council of The Corporation of the City of London wishes to adopt a new Council policy entitled "Code of Ethics";

NOW THEREFORE the Municipal Council of The Corporation of the City of London enacts as follows:

1. The policy entitled "Code of Ethics" attached hereto as Schedule "A" is hereby adopted.
2. This by-law comes into effect on the date it is passed.

PASSED in Open Council on March 2, 2020.

Ed Holder
Mayor

Catharine Saunders
City Clerk

First Reading – March 2, 2020
Second Reading – March 2, 2020
Third Reading – March 2, 2020

Schedule A



London
CANADA

Code of Ethics

Policy Name: Code of Ethics

Revision History: N/A

Last Review Date: February 18, 2020

Service Area Lead: City Manager

1. Policy Statement

- 1.1 The Corporation of the City of London (“City”) is committed to providing transparent, ethical, and accountable public service. The City strives to conduct all of its business affairs in an open, impartial, honest, and effective manner that maintains the public trust.
- 1.2 This Code of Ethics establishes ethical standards of behaviour that must be followed by all City employees in carrying out their duties. In order to safeguard the public trust, all employees must demonstrate the highest standards of ethical behaviour, integrity, honesty, objectivity, and professionalism and are encouraged to disclose suspected ethical misconduct that may adversely impact the City and the public.

2. Definitions

- 2.1 **City Property** - Includes all real property, vehicles, tools, equipment, material, supplies, hardware, software, intellectual property and documents, including electronic versions of documents.
- 2.2 **Confidential Information** - Includes, but is not limited to, solicitor-client and litigation privileged information; records related to a prosecution; draft by-laws or staff reports; information or reports submitted or discussed at a closed session meeting of committees, council, boards or commissions; third party information supplied to the City in confidence that reveals a trade secret or scientific, technical, commercial, financial or labour relations information as provided for in section 10 of the [Municipal Freedom of Information and Protection of Privacy Act](#), (“MFIPPA”); personal information as defined in section 2 of MFIPPA; personal health information as defined in section 4 of the [Personal Health Information Protection Act, 2004](#) (“PHIPA”); records received in confidence from an upper level of government or Aboriginal community as defined in section 9 of MFIPPA; records related to labour relations or employment related matters; any other information collected, obtained or derived for or from records in the custody or under the control of the City that are, must, or may be exempt from disclosure under MFIPPA or PHIPA; and any information that may be subject to confidentiality pursuant to any other Act.
- 2.3 **Conflict/Conflict of Interest** - A situation in which an employee has, or is perceived to have, personal or private interests that may compete with the interests of the City or the public interest. Such personal or private interests may make it difficult, or be perceived to make it difficult, for the employee to remain impartial. A conflict exists even if no unethical or improper act results from it. A conflict of interest can either be an apparent (perceived) conflict or an actual conflict.

Apparent (Perceived) Conflict - Exists when an informed and reasonable person could conclude that a conflict of interest exists, whether or not an actual conflict does exist.

Actual Conflict - Exists where a personal or private interest exists and that interest:

- 1) Is known to the employee; and
- 2) Has a connection to the employee's duties that is sufficient to influence the exercise of those duties.

2.4 **Ethical Misconduct** - Business-related conduct that is contrary to the ethical standards outlined in this Policy, including but not limited to the following:

- Theft, embezzlement or misappropriation of funds, goods and supplies, equipment, resources and other assets or time;
- Fraud or other criminal activity;
- Misuse or abuse of authority in the context of purchasing supplies, providing services or other work duties;
- The use of City money, property, equipment, resources or authority for personal gain or other non-City business related purposes, except as permitted by City policy or otherwise approved in writing by the City;
- Using one's position with the City to secure advantage, benefit, favour, additional compensation and/or service for, including but not limited to, oneself, relatives, friends or associates;
- Promotion of political activities using one's title/position as a City employee;
- Conflict of interest (allowing personal interests to influence the objective exercise of one's duties);
- Breach of confidentiality;
- Showing undue favour to a contractor or supplier of goods/services contrary to applicable City policies and procedures;
- Illegally obtaining money including solicitation and/or acceptance of bribes;
- Intentionally providing false or incomplete information including falsification of records (cheques, promissory notes, time sheets, independent contractor agreements, purchase orders etc.);
- Manipulation, creation, alteration and/or approval of records or documents for other than a legitimate business purpose;
- Tampering with City systems, programs or global positions (GPS) devices for the purpose of misrepresenting information;
- Improprieties in the handling or reporting of money transactions;
- Participating in any activity that negatively impacts the reputation of the City; and
- Breach of public trust.

2.5 **Family Member** - For the purposes of this policy means:

- Spouse, any person to whom the person is married or with whom the person is living in a conjugal relationship
- Parent, including step parent, foster parent and legal guardian
- Children, including step children and foster children
- Siblings, including step siblings and half siblings
- In-laws, including father/mother-in-law, brother/sister-in-law, son/daughter-in-law
- Aunts and uncles
- Children of siblings
- Grandparents and grandchildren, including step grandparents/grandchildren
- Any family member who lives with the employee on a permanent basis

2.6 **Significant Social Relationship** - Includes personal relationships, such as family and emotional relationships, and memberships in volunteer and professional organizations.

3. Applicability

- 3.1 This Policy applies to all City employees, volunteers (excluding members of Advisory Committees, Special Committees and Task Forces), students on placement, and individuals contracted by the City on a “purchase for service” agreement (collectively called “employees” for the purposes of this Policy).

The Mayor, Councillors and members of Advisory Committees, Special Committees and Task Forces are governed by the Conduct for Council Members and the General Policy for Advisory Committees, as applicable.

4. The Policy

4.1 Expected Standards of Ethical Behaviour

4.1.1 General

- a) Employees are expected to conduct themselves with personal integrity, honesty, and diligence in the performance of their duties and must not engage in fraudulent, illegal or dishonest activities.
- b) Employees will perform their job functions in the best interests of the City and avoid placing themselves in situations where their personal or private interests may be in conflict with, or be perceived to be in conflict with, the interests of the City.
- c) When in doubt, employees may seek advice with respect to the application or interpretation of the standards of ethical behaviour outlined in this Policy from their Manager or Human Resources and must report any conflict of interest or perceived conflict of interest to their Manager.
- d) In certain circumstances, the duties and obligations set out in this Policy will continue after the employee leaves the City, including the obligation not to, directly or indirectly, use or disclose confidential information unless required by law or authorized in writing by the City.
- e) The standards and examples set out in this Policy identify obvious situations and do not exhaust the possibilities for ethical misconduct.
- f) The standards and duties set out in this Policy do not replace, remove, or supersede the duties and obligations required by applicable professional designations or regulatory bodies.
- g) Where there is a conflict between this Policy and any other policy of the City or duties and obligations required by applicable professional designations or regulatory bodies, the more stringent policy or standard shall apply.

4.1.2 Confidentiality

Employees will honour the need for confidentiality and/or proprietary information with respect to information obtained in the course of their employment and will not utilize such information for personal gain or benefit, nor disclose confidential/proprietary information gained by reason of their position nor permit any person access to confidential information, except as required by law, including in accordance with the [Municipal Freedom of Information and Protection of Privacy Act](#), and the [Personal Health Information Protection Act, 2004](#) or authorized in writing by the City.

The obligation to maintain confidentiality, except as required by law or authorized in writing by the City, continues after the end of the employment relationship.

4.1.3 Outside Employment or Business Activities

Employees who engage in any outside employment or business activity

shall do so in a manner which will not interfere with, place them in conflict with, or be reasonably perceived to interfere with or place them in conflict with, the performance of their duties as a City employee or in which an advantage would be derived from their employment with the City.

Outside employment or business activity must be reported in writing to the employee's Manager where a conflict or perceived conflict does or may exist. The Manager will refer the matter to Human Resources to determine what action is required, if any.

4.1.4 Personal Conduct

Employees shall, in the course of their duties, uphold municipal, provincial and federal laws and shall ensure their conduct is in accordance with City by-laws, policies, and procedures, including but not limited to the [Respectful Workplace Policy](#), the [Workplace Violence Prevention Policy](#), and the [Use of Technology Administrative Procedure](#).

Employees shall ensure their conduct, whether in a personal or official capacity, does not bring the City into disrepute, or damage public confidence in the City. Employees shall ensure their personal conduct within the workplace and elsewhere does not adversely affect:

- a) Their ability to perform their official duties;
- b) The ability of other employees to perform their duties; or
- c) Public confidence in the employee's functions, in the City, or in the integrity of the public sector.

4.1.5 Compensation or Business Gifts and Benefits

The compensation an employee is paid is intended to remunerate them for service to the City. An employee will not solicit, accept, arrange to accept, give, or request to be given a reward, gift, present, favour, advantage, benefit, or any form of entertainment or other compensation which a reasonable person would perceive as influencing the past, current and/or future performance of the employee's duties or business relationships with the City.

City employees who receive a gift in the performance of their duties will immediately advise their Manager.

4.1.6 Financial/Non-financial Interests

A City employee involved in a decision-making process related to a contract, sale, business transaction, or other City matter who knowingly has a financial or non-financial interest in the matter, or has family members, business associates, or a significant social relationship with individuals with such interests, must disclose the interest to their Manager, in writing, and remove themselves from any decision-making process.

4.1.7 Influencing the Employment Process

Employees shall comply with the [Hiring of Employees Policy](#), the [Recruitment and Selection Procedure](#) and the [Employment of Family Members Procedure](#).

4.1.8 Preferential Treatment

Employees shall not use their position to give anyone preferential (i.e. special) treatment that would advance the employee's own private interest or that of any other party where such advance is contrary to the interests of the City, or would be otherwise contrary to the expected standards and duties set out in this Policy.

4.1.9 City Property

Employees shall not use City property or permit City property to be used for activities not associated with the performance of their duties unless authorized to do so in writing by their Manager or otherwise permitted by City policy.

4.2 Roles and Responsibilities

4.2.1 City Manager

- Lead and advance a culture rooted in the highest ethical standards for City employees.
- Provide overall administration of this Policy to ensure implementation and compliance.
- Provide guidance in interpreting the Policy.
- Determine and implement corrective and disciplinary actions to appropriately address and resolve ethical misconduct, including timely improvements to internal control systems and procedures.
- Oversee review of the Policy to ensure it continues to reflect changing needs and responsibilities of City administration and employees.
- Ensure tracking of ethical misconduct to identify trends, and improvements.

4.2.2 Human Resources

- Distribute and provide training on the Policy to all new employees.
- Provide refresher and in-service training on the Policy as required.
- Provide support and consultation to employees, supervisors and managers in interpreting and administering this Policy.
- Oversee, through the Director of People Services, intakes of concerns and allegations of ethical misconduct.
- Oversee, through the Director of People Services, independent investigations of concerns of ethical misconduct as directed by the City Manager or delegate.
- Recommend appropriate corrective and disciplinary action to address and resolve incidents of ethical misconduct.
- Track all concerns and complaints under this Policy.
- Review the Policy in accordance with the Policy for the Establishment and Maintenance of Council Policies.

4.2.3 Managers

- Ensure all employees have been provided with and review the Policy and are provided with any updates.
- Provide guidance in interpreting the Policy.
- Incorporate Code of Ethics discussions into staff meetings and highlight any areas that have particular relevance to employees' work.
- Take appropriate measures to reduce the risk of ethical misconduct, particularly for positions identified as posing a high risk.
- Consult with Human Resources or the City Manager if interpretation of the Policy is required.
- Report any violation of the Policy to the Director of People Services, the Deputy City Manager, or City Manager as required.
- Implement disciplinary and/or corrective actions to address and resolve incidents of ethical misconduct, including improvements to internal control systems and procedures.

4.2.4 All Employees

- Adhere to the standards set out in this Policy.
- Regularly review the Policy and all amendments to the Policy and participate in related training.
- Seek clarification if unsure about any information included in the

Policy.

- Consult with immediate manager or Human Resources for guidance if suspect potential ethical misconduct has occurred.
- Cooperate in investigations of alleged ethical misconduct upon request.
- Maintain confidentiality related to investigations of alleged ethical misconduct as required.

4.3 Disclosure of Ethical Misconduct

Any employee who has a concern that ethical misconduct has occurred is encouraged to notify their Manager, Managing Director, the Director of People Services, the Deputy City Manager, or City Manager as soon as possible.

Concerns of ethical misconduct received by City management from any source (employees, members of the public, customers etc.) must be immediately reported to the Director of People Services or to the City Manager if the Director of People Services is implicated in the allegation.

4.4 Investigations

All concerns of ethical misconduct will be investigated as appropriate in the circumstances in a thorough, fair and objective manner. Unless otherwise directed by the City Manager, investigations shall be overseen by the Director of People Services or designate, in consultation, where appropriate, with other applicable management employees and the City Solicitor or delegate. Findings will be reported to the City Manager.

Concerns Involving the City Manager, Deputy City Manager, and Managing Directors

The Director of People Services shall immediately refer all concerns of ethical misconduct against the City Manager, Deputy City Manager, and/or a Managing Director to a third party external investigator for investigation. Findings shall be reported to the City Manager unless the City Manager is implicated in the concern in which case findings shall be reported to City Council.

Concerns Involving the Director of People Services

The City Manager shall immediately refer all concerns of ethical misconduct against the Director of People Services to a third party external investigator for investigation as appropriate in the circumstances. Findings shall be reported to the City Manager.

4.5 Corrective and/or Disciplinary Action

Where a finding of ethical misconduct has been made, the City Manager or delegate, in consultation with the applicable Manager, Director of People Services, and City Solicitor (or their delegates), as appropriate, will determine appropriate corrective and/or disciplinary action, subject to applicable Council by-laws, policies and procedures.

Where a finding of ethical misconduct has been made against the City Manager, City Council, in consultation with the external investigator and such other internal and/or external resources as required and appropriate, will determine appropriate corrective and/or disciplinary action.

Where it is determined that corrective action or disciplinary action is to be taken against an employee, such action may include, but is not limited to, the following:

- An apology
- Coaching or counselling
- Education or training
- Warning

- Suspension or leave without pay
- Demotion
- Transfer
- Termination of employment

Where warranted, an employee may also be subject to prosecution or other legal proceedings in accordance with applicable municipal, provincial and federal law.

4.6 Interim Measures

In certain circumstances, it may be necessary for the City to take immediate measures, for example, to protect City or public property or assets, maintain the public trust, or to ensure the integrity of the investigation process. In such a case, interim measures shall be determined by the Director of People Services, or designate, in consultation, where appropriate, with the City Manager, City Solicitor (or their delegates) and/or other applicable members of management. Interim measures may include relocating the employee alleged to have engaged in ethical misconduct, or placing that employee on a non-disciplinary suspension with pay pending the outcome of the investigation. The implementation of interim measures does not mean that conclusions have been reached relating to the concerns.

4.7 Employee Supports

The City recognizes that involvement in a workplace investigation may be stressful and emotionally upsetting. Employees who have raised a concern or been accused of ethical misconduct, witnesses, and other affected employees may access the counselling services and support provided by the City's employee assistance provider.

Employees who have raised or been accused of ethical misconduct also have the right to be accompanied by a support person of their choice during meetings relating to a complaint made pursuant to this Policy, including their Union/Association representative, if applicable, or a trusted friend (e.g. another manager if they are a management employee).

4.8 Reprisal

The Corporation will not tolerate reprisal against any individual because they:

- Have sought information or advice about making a disclosure about ethical misconduct;
- Have made a disclosure of ethical misconduct in good faith;
- Have initiated or co-operated in an investigation or other process related to a disclosure of ethical misconduct;
- Have appeared as a witness, given evidence or participated in any proceeding relating to the ethical misconduct, or is required to do so;
- Have alleged or reported a reprisal; or
- Are suspected of any of the above actions.

An employee who believes they are the subject of a reprisal or who becomes aware of a reprisal against another individual, shall notify the Director of People Services, the Deputy City Manager, or City Manager as soon as possible.

Allegations of reprisal will be investigated as appropriate in the circumstances and, where the investigation substantiates the allegations, the employees involved will be subject to disciplinary action up to and including dismissal as determined by the City Manager or delegate in consultation with the Director of People Services and City Solicitor or their delegates, where appropriate.

In the event allegations of reprisal involving the City Manager are substantiated, City Council, in consultation with the external investigator and such other external and internal resources as required and appropriate, shall determine appropriate corrective and disciplinary actions.

4.9 Vexatious/Bad Faith Complaints

Any employee who knowingly makes a false allegation of ethical misconduct in bad faith or who knowingly makes a false or misleading statement that is intended to mislead an investigation of a concern of ethical misconduct, may be subject to disciplinary actions noted above as determined by the City Manager or delegate in consultation with the Director of People Services and City Solicitor or their delegates, as appropriate.

An allegation is vexatious or made in bad faith if it is made for the purpose of annoying, embarrassing or harassing the respondent, out of spite or vindictiveness, or the individual making the allegation is engaging in improper behaviour such as fraud, deception, or intentional misrepresentation.

A concern or allegation that is made in good faith but is not substantiated is not considered vexatious or to be made in bad faith.

4.10 Confidentiality

The administration of this Policy will be in accordance with the [Municipal Freedom of Information and Protection of Privacy Act](#) ("MFIPPA"). All concerns received under this Policy and related investigations will be considered strictly confidential subject to the City's obligation to conduct a thorough investigation, take appropriate corrective and/or disciplinary action, or to otherwise disclose information as required by law. The individual who raised the concern, the employee who is alleged to have engaged in ethical misconduct, and any witnesses are also expected to maintain confidentiality. Unjustified breaches of confidentiality will result in corrective and/or disciplinary action.

4.11 Records

Where an investigation results in corrective and/or disciplinary action against an employee, a record of such action will be placed in the employee's Human Resources file. Where there is insufficient evidence to prove that ethical misconduct occurred, no record of the complaint shall be placed in the respondent's Human Resources file.

All records pertaining to enquiries and concerns under this policy will be kept in confidential storage separate from employees' Human Resources files. All records will be subject to the provisions of [MFIPPA](#) as noted above and the City's Records Retention by-law.

4.12 Communication and Training

This policy shall be provided to all new employees upon hire and shall be posted on the City's intranet, on the City's website, and in the City's workplaces.

New employees will receive mandatory training on this policy upon hire. Thereafter, as appropriate, they will receive refresher or in-service training as appropriate.

4.13 Policy Review Process

To ensure this policy remains relevant and current, it shall be reviewed in accordance with the [Policy for the Establishment and Maintenance of Council Policies](#).

4.14 Policy Implementation

Implementation of this Policy will be in accordance with applicable Council and/or Corporation by-laws, policies and procedures, legislation, and collective agreement provisions.

4.15 Related Policies and Procedures

- [Access and Privacy Policy](#)
- [Accountability & and Transparency to Public Policy](#)
- [City of London Code of Conduct for Building Officials](#)
- [Civic Administration Appointments to Boards, Commissions and Advisory Committee Policy](#)
- [Code of Conduct for Members of Council](#)
- [Employment of Family Members Procedure](#)
- [Formal Investigation Process](#)
- [General Policy for Advisory Committees](#)
- [Hiring of Employees Policy](#)
- [Procurement of Goods & and Services Policy](#)
- [Promotion of Corporate Products to City Employees](#)
- [Recruitment and Selection Procedure](#)
- [Use of City of London Resources for Election Purposes](#)
- [Use of Technology Administrative Procedure](#)
- [Workplace Violence Prevention Policy](#)