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| Policy Number: CORP2022-002 | Date Approved: February 2009 |
| Department: Corporate | Date Reviewed: May 2022 |
| Code of Ethics | |

1. **Policy Statement**

The Code of Ethics is intended as a guide for all employees in their conduct in certain specified areas. It is not intended to be exhaustive or to provide specific guidelines in every circumstance.

2. **Purpose**

As a municipality, the Town of Kirkland Lake (referred to as the “Corporation”) is a responsible level of government. The public is entitled to expect the highest standard of conduct from our employees. Adherence to ethical standards of behaviour will protect and promote the Corporation’s reputation and integrity. In this regard, all employees have an obligation not merely to obey the law, but to act in a manner that is so scrupulous; their conduct will bear the closest public scrutiny.

3. **Scope**

This policy applies to all employees of the Corporation.

Private interest must not provide the potential for, or the appearance of, an opportunity for benefit, wrongdoing, or unethical conduct.

Private interests are all those aspects of an employee’s activity outside those connected with official civic duties. These Include:

- I. Financial interest;
- II. Paid and unpaid activities beyond official duty;
- III. Relationships with third parties who may be:
 - a) Employed by the Corporation;
 - b) Doing business with the Corporation;
 - c) Seeking employment or benefits from the Corporation.

It is important to emphasize that conflict of interest relates to the potential for wrongdoing as well as to actual or intended wrongdoing.

4. Conflicts of Interest

All employees must act solely in the best interest of the Corporation.

A conflict of interest exists where an employee has a private or personal interest that supersedes, competes with or influences the performance of the official duties and responsibilities of the employee's position. This could arise from an actual, potential or perceived conflict of interest of a financial or other nature.

A conflict of interest includes, but is not limited to, the following:

- Obtaining for yourself or an entity in which you have an interest, any proprietary or business advantage, either belonging to the Corporation or for which the Corporation has been negotiating;
- Having a personal or financial interest that impairs your ability to perform your duties in an objective manner;
- Using your position for personal or financial gain for yourself or for a spouse, family member or personal friend;
- Receiving business gifts or entertainment that compromises or appears to compromise your ability to make objective or fair decisions.

Any actual, perceived or potential conflicts of interest must be disclosed at the earliest opportunity to your supervisor and will be appropriately dealt with. Proactively disclosing conflicts of interest is essential to ensure public confidence in the Corporation can be maintained.

5. Outside Employment

An employee must obtain express permission from their Department Head before engaging in an outside work opportunity. The Department Head will seek approval from the Chief Administrative Officer, where appropriate.

No employee may engage in outside work, whether as an employee, independent contractor, partner or otherwise, which creates an actual, potential or perceived conflict of interest, including where the outside work:

- Interferes with the performance of the employee's employment duties with the Corporation;
- Where an advantage is derived from employment with the Corporation; or
- Is likely to influence or affect the carrying out of the employee's duties to the Corporation.

6. Gifts, Benefit and Hospitality

Employees shall not, directly or indirectly, accept a gift, benefit or hospitality from any individual or organization in the course of the performance of municipal duties or as a result of their position with the Corporation, unless permitted under an exception listed in this policy.

Employees shall not use the name "The Town of Kirkland Lake" to obtain discounts for privately purchased goods and services. Likewise, goods and services shall not be purchased by employees through any municipal purchasing agency and using payroll deduction for personal use.

Employees shall not receive or demand preferential treatment in the use of municipal facilities or services unless it is a requirement of formal duties or as provided for under the authority of Kirkland Lake Town Council.

For the purpose of this policy:

- "Gift" means a free or discounted item or service;
- "Benefit" means preferential treatment, privileged access, favours or other advantage including invitations to social events, access to discounts or promises of employment or other work opportunity; and
- "Hospitality" means friendly reception and entertainment of guests, including sponsored travel or accommodation or dining.

Each of the following is recognized as an exception:

- a) Compensation authorized by law;
- b) Gifts, benefits or hospitality of the kind that normally accompanies the responsibilities of the office and is received as an incident of protocol or social obligation;
- c) As a result of services provided without compensation by an employee volunteering their time in a function that would not normally be provided for compensation;
- d) A suitable memento of a function of honouring the employee, such as a retirement gift;
- e) Food and beverage consumed or items distributed at a banquet reception or similar event if attendance by the employee is for a legitimate municipal purpose and the value is reasonable.

7. Fraud and Other Similar Irregularities

The Town of Kirkland Lake is committed to protecting its revenue, property, information and other assets from any attempt, either by members of the public, contractors, sub contractors, agents, intermediaries or its own employees, to gain by deceit, financial or other benefits. The Corporation is committed to implementing measures to detect and report the incidence of fraud, and also for investigating any suspected acts of fraud, misappropriation, or other similar irregularities.

For the purposes of this policy, the definition of fraud is as follows: intentional perversion of truth in order to induce another to part with something of value or to surrender a legal right; an act of deceiving or misrepresenting.

Fraud, abuse, and other similar irregularities include, but are not limited to:

- a) Forgery or alteration of documents (cheques, drafts, promissory notes, securities, time sheets, independent contractor agreements, purchase orders, etc.);
- b) Any misappropriation or embezzlement of funds, securities, supplies or any other asset;
- c) Any irregularity in the handling or reporting of money transactions;
- d) Misappropriation of furniture, fixtures, equipment and seeking or accepting anything of material value from vendors, consultants or contractors doing business with the Corporation in violation of the Corporation's Code of Ethics;
- e) Seeking or accepting anything of material value from vendors, consultants, or contractors doing business with the Corporation in violation of the Corporation's Code of Ethics;
- f) Unauthorized use or misuse of The Corporation's property, equipment, vehicles, materials or records. Unauthorized use or misuse may be recovered by the Corporation through payroll deduction or otherwise, and the responsible employee may be subjected to disciplinary action;
- g) Any computer related activity involving the alteration, destruction, forgery, or manipulation of data for fraudulent purposes or misappropriation of the Corporation's owned software or hardware;
- h) Any claim for reimbursement of expenses that are not made for the exclusive benefit of the Corporation;
- i) Any similar or related irregularity.

It is the Corporation's intent to fully investigate any suspected acts of fraud, misappropriation or other similar irregularity. An objective and impartial investigation will be conducted into all suspected violations of this policy.

8. Criminal Code Offences

At the employer's sole discretion, any employee charged with an offence under the Criminal Code of Canada may be suspended from employment with pay pending the outcome of the criminal matter depending on the nature of the offence and its relationship to the duties of the employee.

9. Political Activity

While the Corporation recognizes the right of employees to participate in political activity, at the same time, the Corporation is responsible for creating and maintaining an impartial public service.

For the purpose of this policy, political activity applies to municipal, provincial, federal, school board or other public offices, and includes seeking nomination or appointment in any political office, participating as a candidate in an election, or canvassing, campaigning, supporting or opposing any individual or political party seeking or holding political office.

Employees are prohibited from the following:

- Engaging in political activity during working hours;
- Engaging in political activity that is a conflict of interest with their duties to the Corporation;
- Using the Corporation's resources for or while engaging in political activity;
- Using their position with the Corporation in such a way to support, endorse or further political activity.

Employees must comply with applicable legislation regarding political activity. In particular, employees of the Corporation seeking election as a member of council of the Corporation must take an unpaid leave of absence as of the day the employee is nominated in accordance with the *Municipal Elections Act*. Employees seeking candidacy for and to be elected or appointed in other political office may request an unpaid leave of absence to do so in accordance with the Corporation's applicable policies and procedures.

10. Confidentiality

Employees are required to comply with the Corporation's Privacy Policy, including with respect to protecting confidential information. Any breach of the Corporation's Privacy policy will be dealt with in accordance with that policy and the Corporation's Discipline policy.

11. Workplace Harassment and Workplace Violence

Employees are required to comply with the Corporation's Workplace Violence and Harassment in the Workplace policy. Complaints of alleged workplace harassment and workplace violence will be dealt with in accordance with that policy.

12. Reporting Violations of this Policy

Any employee who suspects a violation of this policy must report the incident to their Director or, where the complaint involves the Director, the Human Resource Supervisor.

Where appropriate, the Corporation will notify the police or relevant authorities about an alleged violation of this policy.

All reports of violations of this policy will be promptly investigated in a manner appropriate in the circumstances. If necessary, the Corporation may retain the services of an independent third-party investigator to assist in an investigation.

The investigation will include:

- A preliminary review of the complaint to determine: whether it includes sufficient information, whether it discloses allegations that, if true, would constitute a violation of this policy, and/or whether the allegations are frivolous, vexatious or made in bad faith;
- Disclosing as much information to the parties as necessary to facilitate the investigation and ensure procedural fairness;
- Before interviewing the respondent about the merits of the complaint, providing written notice of the investigation to the respondent, including particulars of the allegations made against the respondent;
- Interviewing the complainant, respondent, and any person involved in the incident or any identified witness;
- Interviewing any other person who may have knowledge of the incidents related to the report or any other similar incidents;
- Ensuring the results of interviews are documented either through audio recording or being reduced to writing; and
- Reviewing any relevant documentation.

Should circumstances warrant, the Corporation may implement interim measures pending the outcome of the investigation, which may include suspending the respondent's employment with the Corporation with pay during all or part of the Corporation's investigation, or taking steps to prevent destruction or alteration of the Corporation's records.

The Corporation may implement corrective measures as a result of the investigation, which may include discipline in accordance with the Corporation's Discipline Policy.

I. *No Reprisal*

Employees can report any violation of this policy without fear of reprisal. The Corporation does not permit or condone reprisal against anyone who, in good faith, reports or participates in an investigation of a possible violation of this policy. Good faith means that the worker has made a genuine and honest attempt to provide accurate information, even if it turns out the worker was mistaken.

It is a violation of this policy to discipline or punish a person because they have made a report in good faith as to any violation of this policy. Reprisal may be subject of a report under this policy, and persons engaging in reprisal will be subject to disciplinary measures in accordance with the Corporation's Discipline Policy.

II. *Bad Faith Reports*

If an employee makes a report that is frivolous, vexatious or made in bad faith, the employee will be subject to disciplinary measures in accordance with the Corporation's Discipline Policy. Examples of bad faith include, but are not limited to, making a report knowing the allegations are untrue or making a report for an improper purpose.

III. *No Interference with Investigation*

It is a violation of this policy to hinder, obstruct or interfere with or attempt to hinder, obstruct or interfere with an investigation. Workers engaging in such conduct will be subject to disciplinary measures in accordance with the Corporation's Discipline Policy.

IV. *Confidential Information and Communication*

All records of the investigation will be kept confidential to the extent permitted by applicable law. Information obtained about an incident or complaint under this policy, including identifying information about any individuals involved, will not be disclosed unless disclosure is necessary to protect workers, to investigate the complaint or incident, to take corrective action or otherwise as required by law.

While the investigation is on going, all participants in the investigation are prohibited from discussing the incident or complaint or the investigation with each other or other workers or witnesses unless necessary to obtain advice about their rights.