

Employee Code of Conduct

City of Regina



REGINA

Infinite Horizons

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Part I – Introduction

1. Purpose

Section 85.1 of *The Cities Act* requires that every city have an employee code of conduct. City Council has delegated the responsibility for employees and establishing a code of conduct for employees to the City Manager through *The City Manager's Bylaw*, Bylaw 2003-70. The Employee Code of Conduct (the “Code”) explains the expected rules of behaviour for City employees so that employees act with integrity and treat fellow employees and the public with dignity, respect and trust. Where employees comply with the Code this ensures that:

- the City’s resources and assets are used appropriately; and
- public confidence is maintained.

2. Application

This Code applies to all employees at the City. Although the City Manager, City Solicitor and City Clerk report directly to City Council, these positions are also all required to comply with this Code. Disclosures required to be made by the City Clerk and City Solicitor are to be provided to and determined by the City Manager. Disclosures required to be made by the City Manager under this Code are required to be filed with the Mayor with any determinations on disclosures shall be made by the Mayor. The process for dealing with disclosures by the City Manager, City Solicitor and the City Clerk is provided for in Bylaw 2002-57, being *The Regina Code of Conduct and Disclosure Bylaw*.

Employees are required to comply with this Code and any other corporate policies, City bylaws, or provincial and federal legislation.

The Code does not include an exhaustive list of all employee requirements or employee restrictions. Where other corporate policies or legislation are important to a rule or guiding principle in the Code, these related resources may be noted in that rule or guiding principle. In addition, employees must be aware of and comply with the following list of related corporate policies, legislation and other documents:

- Acceptable Use Policy for Internet Access and E-mail
- Access to Information Policy
- Access to Personnel Records Policy
- Alcohol Policy
- Corporate Information Security Policy
- Corrective Discipline Policy
- Criminal Record Check Policy

- Employee Privacy Guidelines
- Employee Theft and Fraud Policy
- Harassment Policy
- Information Management Policy
- Mobile Device Security Policy
- Mobile Device Support Policy
- Money Handling Policy
- Money Handling Procedures
- Purchasing Card Policy
- Purchasing Procedures Manual
- Reasonable Suspicion Guidelines
- Remote Access Policy
- Respectful Customer Conduct Policy
- Respectful Workplace Policy
- *The Cities Act*
- *The Criminal Code of Canada*
- *The Local Authority Freedom of Information and Protection of Privacy Act*
- *The Local Authority Freedom of Information and Protection of Privacy Regulations*
- *The Local Government Election Act, 2015*
- *The Occupational Health and Safety Regulations 1996*
- *The Regina Administration Bylaw, Bylaw 2003-69*
- *The Saskatchewan Employment Act*
- *The Saskatchewan Human Rights Code*
- Travel Policy
- Vehicle Expense Reimbursement Policy
- Violence Policy
- Virtual Private Network (VPN) Policy
- Whistleblower Policy

This Code is not intended to conflict with provincial or federal legislation or the City's bylaws, employment contracts and collective bargaining agreements. If there is a conflict these other documents apply. There are also City employees who are required to adhere to professional codes of conduct (such as engineers, lawyers, accountants). These employees must seek clarification from management and their professional associations where there is a conflict between this Code and their professional obligations.

The Code does not apply to elected officials or persons appointed to committees or boards established by City Council. Members of City Council are required to comply with *The Cities Act* and Bylaw 2017-4, being *The Code of Ethics Bylaw, 2017*. Non-council members of boards and committees are required to follow Bylaw 2002-57, being *The Regina Code of Conduct and Disclosure Bylaw*.

3. Employee and Management Responsibilities

Employees are responsible for:

- reading and following this Code;
- asking for an interpretation of this Code from their Department Head, the department responsible for human resources or another designated position (where a specific position has been designated to deal with Code issues) if they are unsure of the rules in this Code;
- disclosing any interests, including those of any relative, business associate or friend, which may put an employee in a conflict of interest or which may **appear** to put an employee in a conflict of interest;
- disclosing a detailed description of any potential breach of this Code by the employee themselves or by other employees.

Employees are required to disclose breaches of the Code to the employee's Department Head, the department responsible for human resources or another designated employee (where a specific position has been designated to deal with Code issues).

Management is responsible for:

- making employees aware of this Code;
- providing employees with interpretations regarding potential breaches of this Code;
- informing senior management of any breach of this Code;
- promoting and encouraging employees' access to this Code;
- not threatening to or making reprisals against an employee when an employee has taken an action to disclose unlawful activity;
- taking appropriate action as described in this Code, with respect to any breach of this Code.

Where possible, management will protect the confidentiality of an employee who discloses another employee's breach of this Code. All employees must co-operate during an investigation of a suspected breach of this Code. Retaliation against complainants, witnesses or investigators is prohibited. In this regard, the City's Whistleblower Policy applies.

Prior to taking action on a breach of the Code, management must seek the advice of the City Solicitor or the department responsible for human resources to protect the City's legal interests and employee's rights in later disciplinary actions and prevent further losses or damage to the City.

4. Compliance

Employee complaints about any breach of the Code are required to be made in writing and submitted to the employee's Department Head, the department responsible for human

resources or another designated position (where a specific position has been designated to deal with Code issues). Public complaints about an employee's breach of the Code are required to be made in writing and submitted to the City Manager or another designated position (where a specific position has been designated to deal with Code issues).

Complaints about a breach of the Code by the City Manager, City Solicitor or City Clerk shall be reported in writing and dealt with in accordance with Bylaw 2002-57 being *The Regina Code of Conduct and Disclosure Bylaw*. This bylaw applies because these three positions report directly to Council.

Any employee who breaches this Code, including the requirement to disclose one's violations may be subject to, but not limited to, any one or combination of the following depending on the breach:

- appropriate disciplinary action (up to and including dismissal from employment);
- withdrawal of the employee from participation in the dealings or decision-making processes relative to the issue;
- payment of restitution;
- civil action;
- criminal prosecution;
- divesting themselves of the outside interest;
- transferring the employee to another position or a similar position within the same or another department.

If management is investigating an employee for breaching this Code the employee may be suspended with or without pay or be re-assigned to other duties until the investigation is complete. Management will determine the appropriate action in consultation with the department responsible for human resources. Management will consider the Corrective Discipline Policy when determining disciplinary action for breaches of the Code.

5. Code of Conduct Core Principles

The Code is based on the following key principles:

Integrity

Because the City is a level of government and is publicly funded, employees are expected to:

- make decisions that are in the best interest of the City;
- make decisions that benefit the municipal corporation and the community;
- act lawfully and within the authorities of *The Cities Act* and any other applicable legislation; and
- be free from undue influence and not act, or appear to act, in order to gain financial or other benefits for themselves, family, friends or business interests.

Accountability

City employees are accountable to each other, the community, City Council and the municipal corporation for every decision that they make. In turn, decision-making processes must be transparent.

Respect

City employees must conduct public business efficiently, with decorum and with proper attention to the City's diversity. Employees must treat each other and the public with respect at all times. A respectful workplace is one in which others are treated with courtesy and differences of opinion are openly encouraged.

6. Ethical Questions

The Code will not answer every question or pose a solution in all cases. Employees must understand the standards of ethical behaviour set out in the Code and use discretion in its application. Employees must avoid situations that would lead to a conflict of interest, favouritism, misbehaviour and any other ethical dilemma that may arise.

Each City employee makes numerous work related decisions every day. While many of these decisions do not pose any ethical dilemma, external influences or personal interests can make these ethical decisions more difficult.

Below is a set of questions an employee can ask upon being confronted by an ethical dilemma:

1. Is my action inconsistent with approved City policies and practices?
2. Will this result in a personal gain or benefit?
3. Could an outside person, a fellow employee or the media perceive this action as unethical?
4. Will the action bring discredit to me or to the City if disclosed?
5. Would I have difficulty objectively defending my actions to my supervisor, other employees or to the general public?
6. Will I owe somebody something as a result of this action?
7. Was this gift/action intended to influence my decision?

8. Would I hesitate to take this action or to allow my employees to take this action in my own company?

If you answered “**YES**” to any of these questions, you may have an ethical dilemma.

Note: If a situation ever arises where you are unsure how to act or you have a question regarding corporate policy please seek guidance from your Department Head, the department responsible for human resources or another designated position (where a specific position has been designated to deal with Code issues).

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Part II - Rules and Guiding Principles

1. Conflict of Interest

Purpose

Conflict of interest rules ensure that employees are acting in the best interests of the City. Without these rules, employees' actions and judgements may be influenced by personal or outside interests which may harm the City or destroy public confidence in the City. This portion of the Code provides guidance as to what is a conflict of interest and what is expected of employees in terms of avoiding conflicts and disclosing them.

Policy

Employees must guard against situations where conflict of interest may arise. A conflict of interest arises when an employee knows or ought reasonably to know that a situation presents or may present an opportunity to further their private interests or the private interests of their relatives, business associates or friends. **Even the appearance of a conflict of interest must be avoided.**

Employees shall not use their position with the City, including using City assets, influence, or information gained through their employment to further or seek to further their private or personal interests, or those of their relatives, business associates and friends or seek to improperly further another person's interests.

The term "business associate" means legally linked with the employee, including but is not limited to:

- in business contracts,
- partnerships,
- firms,
- enterprises,
- franchises,
- trusts,
- joint ventures,
- finances,
- real estate, or
- in other for-profit legal entities or agreements.

The term "relative" means an immediate relative of the employee and includes:

- a husband or wife,
- children,
- parents,
- brothers and sisters (including foster or step),
- parents-in-law, brothers-in-law, sisters-in-law, sons-in-law, daughters-in-law, and

- a domestic partner or common law spouse of an employee (includes common law of the same or opposite sex).

Employees shall not influence or participate in a City related decision where they or their relatives, business associates and friends have a private or personal interest that could influence or appear to influence the objective exercise of their official duties. This provision does not include City related decisions which are of general application to the public or affect a person as a broad class of persons, such as users of City leisure facilities, residents of a particular neighbourhood, etc.

Employees shall disclose and seek to resolve any and all conflicts of interest that may affect the impartial nature of their public and professional duties as a public servant. When determining whether or not a conflict of interest is present, one must determine whether or not there are any grounds for a reasonable person to perceive if a conflict of interest is present.

Guiding Principles

A conflict of interest occurs when, in the course of an employee's duties, the employee is called upon to deal with a matter in which the employee has a direct or indirect personal and/or financial interest. A direct interest can occur when an employee may derive, or be seen to derive, some financial or personal benefit or avoid some financial or personal loss. An indirect interest may arise when the potential benefit or loss would be experienced by another person or corporation having a relationship with that employee. These benefits, losses, interests and relationships are generally financial in nature but are not limited to such.

A conflict may also occur even where an employee is not in a position of authority to influence the decision making process but where the employee uses their position, City assets or information gained through their position to further their private or personal interests, or those of their relatives, business associates and friends.

Further, in the performance of their duties, employees are to act without bias or partiality. Employees shall not give preferential treatment, in relation to any official matter to individuals or organizations in which the employee or these individuals participate where the employee could confer or could be seen to be conferring, a benefit based on the relationship.

Examples

Without restricting the generality of the above, the following are some examples where a conflict exists:

- An employee who makes a personal bid on the sale of City property is in a conflict, except where the property is disposed of at a public auction.

- If an employee who is in a position to approve a permit or licence ensures that a relative or friend's application is processed more quickly than others, the employee would be seen to have given preferential treatment to the relative or friend's application.
- If an employee confers a benefit to an organization in which her sister is actively involved, and which is not provided to other organizations in the same situation, the employee would be in a conflict of interest situation as she provided preferential treatment.
- An employee looks at the sealed bids that are received with respect to the sale of some City equipment and then provides this information to an organization that she is involved with. This organization then submits a bid that is lower than all the other bids. This is a conflict in that an employee is prohibited from using their knowledge or position to influence this process for direct or indirect personal gain.
- An employee recommends her spouse's consulting firm for departmental work. In this situation the employee has used her public role to influence a decision which would further the private interests of her spouse.
- An employee contacts the snow removal manager directly and requests that his residential street be cleared in priority to other streets. While the employee can make a complaint about snow removal they must follow the same process as any member of the public and cannot use information gathered from their employment (such as the snow removal manager e-mail) to gain an advantage.
- An employee who is a building inspector has been asked to inspect a relative's property. This is a perceived conflict and should be disclosed to the employee's manager.
- An employee who is in a decision making capacity regarding an outsourcing initiative on behalf of a City department accepts employment with the firm who won the contract. Participating in the decision to outsource to the firm has the appearance of a conflict, particularly where the employment was discussed before the decision to outsource was made.
- An employee who takes advantage of discounts/rebates for personal purchases from City suppliers is in a conflict of interest.

Exceptions

An interest of an employee will not be considered to be a conflict of interest where the interest or matter would apply to all employees or members of the public. A private or personal interest is one which is unique to the employee or the employee's relatives, business associates and friends. If for example a discount or rebate has no-strings attached and is available to the general public and not just to the employee this moves out of the realm of conflict of interest as it is available to everyone.

Consequences and Disclosure

Employees are required to disclose any and all situations where a conflict of interest is present, may exist or may arise with respect to the employee's personal or private interest and the employee's duties as an employee of the City. Employees shall disclose as soon as they are aware of the interest and prior to any decisions, discussions or disposition of the matter by City staff or City Council.

Disclosure shall be made to the employee's Department Head, the department responsible for human resources or to another designated position (where a specific position has been designated to deal with Code issues). Usually the appropriate action will be to remove the employee from the transaction in which the conflict arose so as to ensure that they are not influencing or participating in any decision making in relation to the conflict. Where an employee's outside interests or activities continuously come into conflict with their duties then the employee may be asked to withdraw from these private interests or activities if possible. Any behaviour, which is, or could be perceived as, a conflict and is not disclosed prior to the employee participating in the decision making process may be subject to disciplinary action.

All employee conflict of interest disclosures shall be made in writing. If the employee discloses a conflict of interest verbally, management shall document it and put it in the employees' personnel file. Management's response to the disclosure or required actions should also be documented and put into the employee's personnel file.

Financial Disclosure Forms

In addition to disclosing conflicts of interest that arise in day to day activities, the following designated employees are required to provide information on any business interests they, their spouse or minor children have in any property, corporations or partnerships by filling out and providing the City Clerk with a financial disclosure form set out in Appendix A:

- City Manager;
- All Executive Directors;
- All Directors;
- City Solicitor and all department solicitors;
- City Clerk and Deputy City Clerk;
- City Assessor;
- Manager, Real Estate;
- Manager, Procurement and all purchasing agents;

In the event that the name of the position described above changes but the duties remain substantially the same, the City Manager may direct the person to comply whose duties, in the opinion of the City Manager, most closely match that position.

Employees in the above designated positions shall, within 60 days of employment or within 60 days of this policy coming into effect (if already employed with the City), fill out and provide the City Clerk with the financial disclosure form. An employee in a designated position shall, on March 1st of each year, review and update their disclosure of financial information. An employee in a designated position shall update their disclosure of financial information within 60 days of any of the required information changing or where additions are required.

2. Interactions with Others

Purpose

An employee's personal conduct can affect fellow employees, elected officials, the public and the reputation of the City. City employees are often seen as ambassadors for the City and as such their personal conduct can have an effect on the public's confidence.

Policy

City employees are expected to be respectful, tolerant and courteous to all people whom they encounter in the course of their employment, both internally and externally. It is expected that each employee avoid behaviour that leads to conflict, discrimination, hostility and aggression. Employees should be familiar and are expected to comply with the City's Respectful Workplace Policy which addresses employee behaviour in the workplace. Employees interacting with the public should also be familiar and comply with any customer service standards, strategies, policies or other documents that apply to the public. Further, employees are required to comply with any additional social media policies that are in place.

While the City is predominantly concerned with employees' conduct at work, there are instances where an employee's conduct in their private lives can have an effect on the City's reputation or on fellow employees.

The City supports employees communicating information about City of Regina programs, services and events that are publicly available on the City's social media accounts or City operated websites. However, employees shall not speak on behalf of the City, represent themselves as an agent of the City or act as an official spokesperson unless the employee has been specifically authorized to do so. Employees must keep in mind that any posts, shares or comments on private social media accounts could be considered "officially representative of the City" if the employee can be identified as an employee and therefore employees must be careful as to how their social media accounts reflect on the city's image, employees and the accuracy of information conveyed. If an employee identifies himself or herself as a City employee, including in social media, that person must ensure that he or she clarifies that all opinions are his or hers alone.

The City considers any type of public comments that undermine the employment relationship to be a violation of this Code. Employees must not make or post comments, images or video or display behaviours that may damage the reputation of or otherwise negatively impact the City or its officials or employees in their role as employees of the City. This includes making or posting racially or sexually offensive, defamatory, discriminatory, disparaging, harassing or indecent remarks or pictures about the City, its employees, vendors and customers.

3. Theft, Fraud and Misuse of City Time and Assets

Purpose

The City is committed to protecting its revenue, property, propriety information and other assets as well as any assets that are under the care and control of the City. The City will not tolerate any theft, fraud or misuse or misappropriation of any City assets or time.

Policy

The City has a number of policies that deal with fraud and theft so this is not duplicated in the Code. The most significant related resources that employees should be aware of and are required to comply with are the *Criminal Code of Canada*, the Employee Theft and Fraud Policy, the Acceptable Use Policy for Internet Access and E-mail, the Money Handling Policy, Purchasing Card Policy and the Travel Policy. This part of the Policy ensures that these legislative requirements and corporate policies are also a requirement employees must meet under the Code.

4. Management of Information

Purpose

This section of the Code ensures compliance with information and privacy legislation and ensures that sensitive corporate information is not being used for employees' personal reasons or to gain any personal benefit.

Policy

The City and its employees collect and use all types of information on a daily basis, including personal information. The City and its employees have an obligation to collect, use and disclose all information in its possession appropriately and in compliance with *The Local Authority Freedom of Information and Protection of Privacy Act* and *The Local Authority Freedom of Information and Protection of Privacy Regulations*. This part of the Policy ensures that these legislative requirements are also a requirement employees must meet under the Code.

This Code does not provide a comprehensive review of the City's privacy and disclosure legislative requirements. To ensure compliance employees are required to familiarize themselves and adhere to the principles and guidelines in the following corporate policies: the Information Management Policy, the Employee Privacy Guidelines, and the Access to Information Policy. This includes seeking advice from the Manager of Corporate Information Governance and the Access to Information and Privacy Co-ordinator with respect to that policy and co-operating with the Manager and Co-ordinator when they are responding to privacy complaints or requests for disclosure.

Subject to the City's obligations pursuant to *The Local Authority Freedom of Information and Protection of Privacy Act* and *The Local Authority Freedom of Information and Protection of Privacy Regulations*, all data and information held by the City in whatever form is confidential and is the property of the City. Unless permitted pursuant to this legislation, employees are not permitted to disclose information about the City, its property or its activities or discuss it outside of the workplace prior to its release to the public. This would include any information which City employees obtained during the course of the employment or performance of duties, and which is not generally available to the public. In addition, this information shall not be used by employees to derive any benefit to him or herself, any relatives of the employee or friends or business associates of the employee.

Where a person was a City employee and ceased to be employed for any reason, they are prohibited from disclosing, copying or using in any way, City confidential information and/or proprietary information, except as required by law.

5. Outside Employment and Business Interests

Purpose

This section of the Code ensures employees are:

- devoting their time at work to their duties with the City and not any outside employment or business interests; and
- acting in the best interests of the City and not using their position at the City to gain an advantage for themselves, their secondary employer, outside business interests or private clients.

Policy

Employees shall not engage in outside employment, including self-employment, or a business undertaking as a shareholder or employee outside of their position with the City if this activity will interfere with the employee's employment duties with the City or this other employment or business undertaking would cause the employee to be in a conflict of interest or a perceived conflict of interest as described in the Conflict of Interest section.

Where the activity could potentially interfere with the employee's employment with the City or if there is the potential that it could cause a real or perceived conflict of interest, the employee is required to disclose the outside employment or business interest to their Department Head, the department responsible for human resources or to another designated position (where a specific position has been designated to deal with Code issues) prior to the employee engaging in the activity or business undertaking. Management would then make a decision whether to grant approval for the other employment or business undertaking or take some other course of action. If an employee is already engaged in concurrent or secondary employment or a business undertaking prior to being hired by the City, the employee shall disclose this to their Department Head, the department responsible for human resources or to another designated position (where a specific position has been designated to deal with Code issues) as soon as possible upon being hired by the City.

Outside employment means another job outside of the employee's position with the City.

Employees shall not either directly or indirectly (through an interest in a business), or through family members enter into a contract or other business relationship with the City without first having disclosed, in writing, such interest to the employee's Department Head, the department responsible for human resources or to another designated position (where a specific position has been designated to deal with Code issues) and without having first obtained, written approval. Where such an arrangement is considered to be a conflict, that business shall not be eligible to enter into a contract or other relationship with the City.

No employee participating in any outside employment, business or financial activity shall do so during work hours, or use the City's facilities or property including but not limited to vehicles, equipment, tools, photocopiers, stationery, telephones, mobile devices computers etc. for the benefit or purpose of such secondary employment or business or activity.

No employee shall participate in an external business that competes with City services.

No employee shall engage in outside employment or a business undertaking in which their role as a City employee affects or appears to affect the interest of their outside employer or private clients in such a way as to enhance the private interest of the employee.

No employee shall charge or accept a fee for taking part in a public speaking engagement to which he or she was invited as a direct result of his or her position as an employee. Employees may charge or accept a fee for speaking engagements during time off work providing such employees are not representing or purporting to represent the City.

No employee shall charge or accept a fee for writing or publishing articles or books in any print or online publications, if such article or book directly relates to the employee's position as a City employee or uses insider information about the City. Employees may

charge or accept a fee for writing articles or books during time off work providing such employees are not representing or purporting to represent the City.

Exceptions

An employee, other than a designated employee (as set out in the section on Conflicts of Interest), is not required to disclose or obtain approval to do the following:

- Be a director or shareholder of a corporation, a partner of a partnership or a principle of a business that does not have any contractual or other relationship with the City;
- Participate in outside employment or a business undertaking as a shareholder or employee outside of their position with the City if this activity does not interfere with the employee's employment duties with the City and this other employment or business undertaking would not in any way cause the employee to be in a conflict of interest or a perceived conflict of interest.
- Be a director of a non-profit organization or charity or engage in unpaid voluntary work of a charitable or non-profit nature as long as the charity or non-profit group does not have any contractual or other relationship with the City (this is subject to the section on political and other community and volunteer activities).

Consequences and Disclosure

Failure to make the disclosures and obtain approval, where required, is a breach of the Code and may be subject to disciplinary action. Participating in any outside employment, outside business or financial activity during work hours, or using the City's facilities or property for the benefit or purpose of such outside employment or business or activity is a breach of the Code and is also subject to disciplinary action. Further, participating in any outside employment, outside business or financial activity that would cause the employee to be in a conflict of interest or a perceived conflict of interest is also a breach of the Code.

Where an employee discloses and requests approval of concurrent employment or a business undertaking, the employee is required to submit the following information in writing:

1. Details of the proposed employment, including the number of hours to be worked;
2. Statements as to the impact of the outside employment on the employee's employment with the City, including ability to work overtime, be "on-call" or work various shifts;

3. Statement of whether the possibility exists that the outside employment might reasonably be construed by the general public as constituting a conflict of interest (i.e. is the service in direct competition with services the City provides);
4. Statement of the contacts, if any, with other employees of the municipality occurring as a result of the outside employment; and
5. Statements of whether any confidential or otherwise protected information of the City may be impacted by the outside employment.

The Department Head, the department responsible for human resources or another designated position (where a specific position has been designated to deal with Code issues) shall make a determination if a request to engage in outside employment or a business undertaking is compatible with the employee's position at the City. In considering applications to engage in outside employment, consideration will be given for a proper balance between the employee's private interests and the interests of the City. The following criteria shall be considered:

1. Whether the outside employment places the employee in a conflict with his or her official duties;
2. Whether the outside employment affects the City or the ability of other City staff to perform their duties and functions; and
3. Whether the outside employment occurs wholly on the employee's private time.

Where an employee directly or indirectly (through an interest in a business), or through family members wishes to enter into a contract or other business relationship with the City, they must first disclose this to their Department Head, the department responsible for human resources or to another designated position (where a specific position has been designated to deal with Code issues) in writing. This disclosure shall include the following information:

1. Details as to this business and the proposed contract or business relationship with the City;
2. Information as to the City employee's involvement in this business (i.e. are they a director, shareholder, manager and what part would they play in this business providing goods or services to the City);
3. Statements of the impact of this business on the employee's employment with the City;
4. Statement of the contacts, if any, with other employees of the City as a result of the City entering into a contract or business relationship

Further, the Department Head, the department responsible for human resources or another designated position (where a specific position has been designated to deal with Code issues) must provide approval in writing prior to the employee directly or indirectly entering into a contract with the City. Management shall consider the applicability of the City's purchasing practises and policy and shall consult with the Manager of Procurement. Where approval is granted, it may be granted on certain conditions, including but not limited to the condition that the City employee is in no way involved in the contract with the City. Where the employee's employment would be in a conflict with the business entering into a contract with the City and this conflict cannot be alleviated, that business shall not be eligible to enter into a contract or other relationship with the City. The City may reject any tender or request for proposal or other solicitation document received from that business.

Financial Disclosure Forms

In addition to disclosing other employment and business undertakings where required under this section of the Code, the designated employees set out in the Conflict of Interest section of the Code are required to provide information on any business interests they have in any corporations or partnerships as well as any property interests.

6. Gifts, Benefits, Perks, Favours, Honorariums and Gratuities

Purpose

In the course of an employee's official duties he or she may be offered a gift or gratuity from an individual that the City conducts business with. The exchange may be perceived by the public as leading to preferential treatment. The purpose of this section of the Code is to prevent not only bribery, abuse and corruption, but also the perception that City employees may be improperly influenced by the receipt of gifts, benefits and perks.

Policy

Gifts, benefits and favours include, but are not limited to, such items as meals, beverages, invitations to social or recreational outings, accommodations and travel. A gift includes something voluntarily transferred from one individual to another. A gratuity or tip is defined as something given voluntarily or beyond obligation usually for some service. Perks are fringe benefits that accompany a certain position of employment and are provided by one's employer and include credit cards, cellular phones, company cars, laptops, and internet access. An honorarium is defined as a lump sum gift or donation given in replace of a salary or wage. Nominal gifts include things such as: hats, mugs, shirts, pens, note-pads, brochures, magazines, stickers.

Subject to the specific monetary exceptions set out below, no employee shall solicit or accept directly or indirectly any gift, benefit, favour, or honorarium from any third party in the course of their employment duties.

Employees are prohibited from accepting any gift, benefit, favour or gratuity that could be construed as being given in exchange for influence on a decision or for special consideration on a public or business matter.

No employee shall solicit or accept directly or indirectly any gratuities or tips.

All perks are to be used in accordance with official professional duties only.

No employee shall take advantage of discounts/rebates on personal purchases from suppliers having a business relationship with the City, unless those suppliers offer similar discounts/rebates to the general public, or the offer is made through a program which has been authorized by the City Manager or senior management.

Employees who are offered the opportunity to speak to a professional association, a public event or an organization and are offered paid expenses (hospitality, travel accommodations) and/or an honorarium should consult with their Department Head, the department responsible for human resources or a designated position (where a specific position has been designated to deal with Code issues). Employees cannot accept the paid expenses and/or an honorarium if the offer is based on the notion that the offer is for the purpose of soliciting City business or as an attempt to seek special favours or advantages from the employee or the City.

Employees who are offered paid expenses (hospitality, travel, accommodations, entertainment) from an organization or vendor that sells goods or services to the City or otherwise does business with the City should consult with their Department Head, the department responsible for human resources or a designated position (where a specific position has been designated to deal with Code issues) and obtain approval prior to accepting. Approval should not be granted where:

- the hospitality, travel or accommodations furthers the employee's private interests or provides the employee with a personal benefit and provides no or little benefit to the City;
- the offer for hospitality, travel or accommodations may be based on or may be perceived to be based on the notion that the offer is for the purpose of soliciting City business;
- the purpose of the hospitality, travel, accommodations or entertainment is characterized as training or necessary to meet contractual obligations but these objectives could be met by the organization or vendor conducting the training or meeting the obligations by attending in Regina;
- the offer of the hospitality, travel or accommodations or entertainment may be or may be perceived to be an attempt to seek special favours or advantages from the employee or the City; or

- the offer of the hospitality, travel or accommodations or entertainment may affect the employee or the City's ability to manage its contractual obligations with that organization or vendor.

General Exceptions Permitting Gift Acceptance

An employee may accept a nominal gift or hospitality with a value of \$25 or under without meeting the disclosure requirement (for example, lunch, dinner, coffee) provided that it meets the following:

- it is in the context of a business meeting or interaction, or in the context of a recognized charitable event or is ceremonial in nature;
- it is an infrequent occurrence;
- it legitimately serves a business purpose;
- it is appropriate to the business responsibilities of the individual employee; and
- the gift or hospitality is not an attempt to seek special favours or advantages from the employee or the City.

An employee may accept a gift, hospitality or an invitation to a special event ranging from \$25-100 inclusive where it is disclosed to the employee's Department Head, the department responsible for human resources or to another designated position (where a specific position has been designated to deal with Code issues) and approval has been granted. When making a decision as to whether to approve gifts in this monetary range, the above factors will also be considered.

Some management and professional staff are required, as part of their business responsibilities for the City, to participate in hospitality events that may involve a higher monetary value than the guidelines above. Where these staff have been expressly authorized to participate in these types of hospitality events as part of their job, such participation is not a breach of this Code as long as the hospitality event serves a legitimate business purpose and meets the requirements set out above with respect to hospitality, travel, accommodations and entertainment.

A gift does not include anything for which the City or its employees pay market value.

Disclosure and Prior Approval

If an employee is uncertain about the proper gift receiving protocol or the gift, hospitality or invitation is between \$25-100, he or she should immediately contact his or her Department Head, the department responsible for human resources or another designated position (where a specific position has been designated to deal with Code issues) for guidance and approval. Where the Code requires disclosure and approval of a gift, the employee should disclose a description of the gift and the donor of the gift in writing to their supervisor. The supervisor is required to file the disclosure in the employee's personnel file for future reference. Written records of any approvals or disapprovals of

gifts are required to be provided to the employee as well as kept for future verification if needed. Failure to make this disclosure is a breach of the Code and may be subject to disciplinary action.

7. Employment of Relatives and Personal Relationships in the Workplace

Purpose

There is an expectation, shared by the public and City employees, that all hiring, promotions, performance appraisals or discipline will be undertaken in an objective and impartial manner. In addition, there is increased potential for conflicts of interest, appearance of favouritism and risk of claims of sexual harassment when employees have or develop close personal relationships with each other. The purpose of this part of the Code is to ensure that employment related decisions concerning existing or potential City employees are free from any real or perceived improper influence based on family member and significant social relationships. The policy also provides direction on how to manage situations where City employees develop close personal relationships with each other.

Policy

This policy is in compliance with *The Saskatchewan Human Rights Code*. Subsection 16(11) of *The Saskatchewan Human Rights Code* states that the right under section 16 to equal treatment with respect to employment is not infringed where an employer grants or withholds employment or advancement in employment to a person who is the spouse, child or parent of the employee where a reasonable and bona fide cause exists for the employer's action. "Spouse" includes married and common law spouses of the same or opposite sex. "Child" includes foster and step children and "parent" includes foster and step parents.

Subject to the exceptions set out in this Code, relatives of City employees and City elected officials will be considered for employment, advancement or transfer provided:

- they have made application in accordance with established recruitment and selection procedures;
- they have been considered in accordance with established recruitment policies and procedures;
- they possess the necessary qualifications;
- they are considered to be the most suitable candidate.

The term "relative" includes the following family relationships:

- spouse (includes married and common-law of the same or opposite sex);
- parent (foster or step);
- child (foster or step);
- sibling (including brothers-in-law and sisters-in-law);
- aunt, uncle, niece and nephew;

- mother-in-law or father-in-law;
- son-in-law or daughter-in-law;
- grandchild, grandparent, step-grandparent or step-grandchild;
- any relative who lives with the employee on a permanent basis.

The term “significant social relationship” means a relationship of a romantic nature that is sufficiently close that objectivity is either impaired or may be perceived to be impaired.

A spouse, child or parent of a current City employee or City elected official or someone with whom the employee has a significant social relationship shall not be considered for employment or changes in employment if placement would create a direct or indirect reporting relationship between the employee’s spouse, child or parent and the employee or where the placement would require an employee and his or her spouse, child or parent to have responsibility for one or more of the following: authorizing transactions (approval); recording the same authorized transactions (accounting) and the handling of the related asset (custody). A direct reporting relationship is where an individual has the authority to direct and control the activities and work assignments of another employee; review or approve performance reviews, wage and salary adjustments; and administer disciplinary action and recommend or approve the hiring or firing of an employee. An example of an indirect reporting relationship is one between an employee and his or her manager (with one manager in between, but within the same chain of command).

All job applicants will be requested to disclose the names of any spouse, child or parent who is a current employee or elected official of the City.

No employee shall misuse their authority to influence or make an employment related decision in the context of a relative or someone with whom the employee has a significant social relationship. Employment related decisions where a benefit may be gained or authority may be misused include but are not limited to the following:

- the approval/denial of compensation increases;
- hiring, transferring, promoting or demoting decisions;
- performance rating, discipline or termination;
- the assignment and approval of overtime;
- the assignment or direction of work assignments;
- approval of leaves of absence;
- the negotiation of salary level.

Employees who become involved in a spousal relationship, significant social relationship, or who become related over the course of their employment may continue as employees if no direct reporting or indirect reporting relationship exists between such employees. If there is a direct or indirect reporting relationship between the two employees the City will attempt to find a suitable job to transfer one of the affected employees. If the City is unable to transfer one of the employees or the employee is unable to find alternative employment, then a decision will be made, in consultation with the department responsible for human resources, as to appropriate next steps.

Disclosure and Consequences

Employees are required to immediately notify their Department Head, the department responsible for human resources or another designated position (where a specific position has been designated to deal with Code issues) in writing of any existence or formation of a direct or indirect reporting relationship with a relative or person for whom there is a significant social relationship.

Employees are required to inform their Department Head, the department responsible for human resources or another designated position (where a specific position has been designated to deal with Code issues) if the employee has knowledge of a reporting relationship where an undisclosed conflict of interest exists.

Managers are required to not knowingly place employees in positions where their duties could create a conflict of interest with a relative or significant social relationship.

Where an employee breaches the provisions of this part of the Policy, the employee will be required to withdraw from participation in any dealings or decision-making processes relative to the issue. If the employee has knowingly breached this part of the Policy, the Department Head, the department responsible for human resources or another designated position (where a specific position has been designated to deal with Code issues) shall determine the appropriate disciplinary measure, which may include dismissal.

8. Political, Community, and other Outside Activities

Purpose

Rules regarding political, community, and other outside activities of employees are necessary to ensure the political neutrality, impartiality and loyalty of the public service. Participation in political, community, and outside activities can, at times, place employees in a real or perceived conflict of interest situation. The reason for this is that these types of activities are based on personal interest and outside influences and may in some cases be in opposition to the best interests of the City.

Policy

The general rule is that political, community, and outside activities are permitted, but must be done during non-work time and outside the workplace. Further, to ensure public trust in the City, employees are required to be personally impartial and free from undue political influence in the exercise of their duties. The following provides more specific guidance.

Political activities include:

- any activity in support of, or within, or in opposition to a political party;
- carrying on any activity in support of or in opposition to a candidate or an issue before or during an election or referendum;
- seeking nomination as or being a candidate in an election before or during the election;
- any activity in support of or in opposition to a public policy issue, including expressing public comment or criticism relating to a public policy issue.

No employee shall accept an appointment to the board of a community agency or association if this activity will interfere with the employee's employment duties with the City or would cause the employee to be in a conflict of interest or a perceived conflict of interest as described in the Conflict of Interest section. Where the activity could potentially interfere with the employee's employment with the City or if there is the potential that it could cause a real or perceived conflict of interest, the employee is required to disclose the appointment to their Department Head, the department responsible for human resources or to another designated position (where a specific position has been designated to deal with Code issues). Management would then make a decision whether to grant approval or whether some other accommodation can be made. Written permission is not required if the employee is appointed to the Board or the agency or association by the City to represent the City's interests.

Any City employee serving on a community board shall take all reasonable actions to avoid any real conflict or apparent conflict between board activity and the City's interests. Where a real or apparent conflict exists, the employee shall declare the conflict and shall not take part in, or be present for, any board discussion or decision about the issue raising the conflict or interest. Further, the employee shall not be involved in any City decisions or recommendations relating to the particular community board. If the conflict of interest is significant, the employee shall resign from the board.

If an employee is a member of an external organization, it is the employee's responsibility upon joining that organization to inform members of that organization that any involvement with that organization is not done so as a representative of the City.

Employees engaged in political, community and outside activities shall ensure that such involvement does not interfere with his or her ability to perform his or her employment duties objectively. Employees shall not engage in any political, community and outside activities during working hours, or utilize City assets, resources or property for these activities. Notices, posters or similar material in support of or in opposition to a particular candidate, political party or public policy issue shall not be displayed or distributed by employees at City work sites or on City property. Different provisions may be negotiated from time to time by the City and its unions in respect of the use of notice boards on City property. Where an employee has been authorized by the City to speak with respect to a public policy issue or a position taken by the City, this activity does not constitute a violation of this Code.

In cases where there is a municipal vote on a bylaw, resolution or question, employees are subject to section 144 of *The Local Government Elections Act, 2015*. This section prohibits an employee from directly or indirectly using or seeking to use the authority or official influence of his or her position to influence the vote of any other person on a proposed bylaw or question. This section also prohibits an employee from engaging in any form of activity in favour of or against the proposed bylaw or question during his or her hours of duty in the position in which he or she is employed. Despite these prohibitions, section 144 allows a municipality to designate certain employees as spokespeople for the municipality in favour of or against the proposed bylaw or question. Where an employee is designated they are not in breach of the Code where they act as spokesperson for the municipality.

Employees who are politically involved in municipal, school board, provincial or federal levels of government are required to make it clearly understood that they are acting personally and not as representatives of the City. Employees should be sensitive to the corporate intent of maintaining civic service, which is non-partisan and impartial in its relationship with citizens and members of Council.

Employees who are running for Regina City Council are required to comply with the respective legislation governing such activities. This includes section 43 of *The Local Government Election Act, 2015* and section 2-54(1) of *The Saskatchewan Employment Act* which requires that employees request and obtain an unpaid leave of absence prior to the filing of the nomination papers. Where an employee is elected to office, they are deemed to have resigned from employment the day before the election unless for any reason the results of the election are overturned.

No employee shall run for or serve in elected public office with the province, federal government, school boards or in another municipality if a conflict of interest exists between the elected public office and the employee's responsibilities to the City. Where an employee wishes to run for or serve in elected public office with the province, federal government, school boards or in another municipality he or she shall notify his or her Department Head, the department responsible for human resources or another designated position (where a specific position has been designated to deal with Code issues) prior to seeking nomination or taking office for the purpose of seeking a ruling on whether there would be a conflict of interest. In determining whether a conflict exists the City may consider the following criteria:

- the nature of the employee's job in terms of how much involvement that job has with respect to the level of government for which the employee is seeking public office;
- the nature of the relationship between the City and the level of government for which the employee is seeking public office;
- the amount of time and attention the employee would be required to devote to his or her official duties in public office (is the time commitment so significant that it would interfere with the employee's position?);

- the potential for the position in public office to impair public confidence in the performance of the employee's job;
- whether the employee's job can be altered to limit or remove decision making functions related to the other level of government without unduly inconveniencing the City or fundamentally changing the employee's job;
- whether safeguards can be put in place to ensure that the following information is not disclosed or available to the employee: City information that would benefit or affect the other level of government; or information that would potentially negatively affect the City if known by the other level of government.

The employee is entitled to seek a leave of absence without pay in accordance with section 2-54 of *The Saskatchewan Employment Act*.

Employees of the City, in their personal capacity, have the right to appear before City Council, its committees and its boards on behalf of their personal interests or those of an external organization with which the individual is involved. If a city employee chooses to appear before Council, they must declare which organization they are representing and that their views are personal and do not represent the views of the City. Prior to appearing they must notify the City Clerk and their Department Head.

The City recognizes the rights of employees who are members of a trade union or a professional association to engage in legitimate trade union and professional association activity. This policy is not intended to restrict the legitimate public comment of spokespersons of trade unions and professional associations. Where the provisions of this policy conflict with the City's various collective bargaining agreements, the collective bargaining agreements supersede this policy.