


TOWN OF KIRKLAND LAKE	POLICY	
SECTION: ALL MUNICIPAL EMPLOYEES	SUBJECT: CODE OF ETHICS AND EQUAL OPPORTUNITY PROGRAM	Pg. 1 of 13 DATE: February 3, 2009 REPEAL: December 16, 2008

EXECUTIVE MESSAGE

This booklet contains the Town of Kirkland Lake’s Code of Ethics for its employees as well as the Equal Opportunity Policy. I urge all Town of Kirkland Lake employees to become familiar with the contents of this Document since we are all required to adhere to these principles in our daily conduct while working for the Town of Kirkland Lake.

By conforming to these Policies, we can maximize our opportunities in realizing our career goals. Although we understand that all persons do not share the same beliefs or customs, we do expect that each employee is guided by a fundamental concern for human dignity in our daily relations with co-workers and the public as a whole. All Town of Kirkland Lake employees are responsible to ensure this basic belief is respected and practiced in a reasonable manner.

The Policies outlined in the Code of Ethics and Equal Opportunity Program are applicable to every position in our organization. Adherence to these Policies will assure a wholesome work atmosphere and a positive image for the town employees.

Nancy Allick
Chief Administrative Officer

CODE OF ETHICS
and
EQUAL OPPORTUNITY PROGRAM
FOR
TOWN OF KIRKLAND LAKE EMPLOYEES

INDEX

<u>CODE OF ETHICS</u>	<u>Page</u>
Introduction	3
Outside Employment	3
Gifts, Favours and Services	4
Fraud & Other Irregularities	4
Reporting Procedures	5
Public Statements	7
Criminal Code Offences	7
Political Activity	7
Penalties and Appeals	8
<u>EQUAL OPPORTUNITY PROGRAM</u>	
<u>Administration</u>	<u>Page</u>
Policy	9
Objectives	9
Responsibility of Chief Administrative Officer	9
Responsibility of Management	9
<u>Employee Offences</u>	
Harrassment	10
<u>Discrimination</u>	10
<u>Complaint Processing</u>	
Employment Responsibility	11
Management Responsibility	11
Chief Administrative Officer's Responsibility	11
<u>Investigation Report</u>	11
<u>Protection Against Retaliation</u>	13
<u>Discipline</u>	13

CODE OF ETHICS

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.

Introduction

Town 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.

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:

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

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

Outside Employment

1. No employee may engage in outside work or a business undertaking as an employee that:
 - a) Interferes with the performance of duties under the employment of the Town;
 - b) Where an advantage is derived from Town Employment;
 - c) Is likely to influence or affect the carrying out of municipal duties;
 - d) Is the same as, or parallel to, the function in which the individual is employed by the Town of Kirkland Lake.
2. Employees may take supplementary employment, including self-employment unless such employment:
 - a) Is performed in such a way as to appear to be official act, or to represent a municipal opinion;

- b) Unduly interferes with regular duties;
 - c) Constitutes an additional full time job.
3. Senior Managerial and Supervisory Employees shall obtain permission from their Director before engaging in any non-municipal part-time employment. Directors must obtain permission from the Chief Administrative Officer before engaging in any non-municipal part-time employment.

Note: If the employment is of a controversial nature, the matter should be referred to the Chief Administrative Officer for approval.

Gifts, Favours and Services

1. A Town Employee shall not accept a gift, favour or service from any individual or organization in the course of the performance of municipal duties other than:
 - a) The normal exchange of hospitality among persons doing business;
 - b) Tokens exchanged as part of protocol;
 - c) Normal presentations made to persons participating in public functions.
2. Monetary or other payment may not be accepted for the performance of any service connected to municipal government.
3. 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 except with consent of the municipality.
4. 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.

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 Town 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.

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

Note: 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

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

It is the Town's intent to fully investigate any suspected acts of fraud, misappropriation or other similar irregularity. An objective and impartial investigation will be conducted regardless of the position, title, and length of service or relationship with the Town or any party who might be or becomes involved in or becomes/is the subject of such investigation.

Reporting procedures:

1. Any employee who has knowledge of an occurrence of irregular conduct, or has reason to suspect that a fraud has occurred, shall immediately notify his/her supervisor or the Chief Administrative Officer. The employee shall not discuss the matter with anyone other than his/her supervisor, the Chief Administrative Officer and the police. Employees who knowingly make false allegations will be subject to disciplinary action. For the purposes of this policy, supervisors shall be the position to which an employee normally reports.
2. Upon notification from an employee of suspected fraud, the supervisor shall immediately notify the Chief Administrative Officer. The supervisor shall not attempt to investigate the suspected fraud or to discuss the matter with anyone other than the Chief Administrative Officer and the police.
3. Upon notification or discovery of a suspected fraud, or if the Chief Administrative Officer has reason to suspect that a fraud has occurred, an investigation of the fraud shall occur. The Chief Administrative Officer shall follow the protocol for investigating suspected fraud and shall manage the investigation with appropriate Town staff. In all circumstances where there appears to be reasonable grounds for suspecting that a fraud has taken place, the Chief Administrative Officer,

in consultation with the Town Solicitor, will contact the Ontario Provincial Police - Kirkland Lake Detachment.

- a. The Chief Administrative Officer will ensure that those parties involved in the fraud investigation keep a detailed log of any relevant records including documents, conversations and formal interviews.

Security of Evidence

Once a suspected fraud is reported, the Chief Administrative Officer, in consultation with the Town Solicitor, shall take immediate action to prevent the theft, alteration, or destruction of relevant records. Such actions include, but are not necessarily limited to, removing the records and placing them in a secure location, limiting access to the location where the records currently exist, and preventing the individual suspected of committing the fraud from having access to the records. The records must be adequately secured until the investigator engaged to conduct the investigation or the police take control of the records to begin the investigation.

Confidentiality

All participants in a fraud investigation shall keep the details and results of the investigation confidential.

Personnel Actions

If a suspicion of fraud is substantiated by the investigation, disciplinary action, up to and including dismissal, shall be taken by the appropriate level of management, in consultation with the Human Resources Coordinator and the Town Solicitor, in conformance with the Town's policies and procedures

Unless exceptional circumstances exist, a person under investigation for fraud shall be given notice in writing of the essential particulars of the allegations following the conclusion of the investigation and prior to final disciplinary action being taken. Where notice is given, the person against whom allegations are being made may submit a written explanation to the Chief Administrative Officer no later than seven calendar days after the notice is received. This requirement is subject to any collective agreement provisions respecting the rights of employees during disciplinary proceedings.

Confidentiality

Municipal employees are entrusted with information and data used for the administration of municipal service and not generally available to the public. Moreover, certain employees have access to information of a sensitive or confidential nature; which is not to be made known to others in the municipal service. Both types of information must be distributed on a need to know basis only.

Systems, procedures, reports and information developed by the Town shall not be given or loaned to, or shared with, any other persons, company or organization without the permission of the appropriate Director. Disclosure of information for personal gain or advantage is a form of theft.

The approval of the Director of Economic Development & Tourism must be secured before information regarding computerized system is divulged.

1. Indiscriminate or negligent disclosure of information may:
 - a) Cause embarrassment to individual Town employees;
 - b) Betray a trust or confidence;
 - c) Create false impressions for the public or Town employee.

Such action may result in disciplinary action being taken.

Public Statements

1. The Director is responsible for making any statement concerning their department to the news media.
 - a) In large departments, the responsibility may be delegated to subordinates.
 - b) No statement on future Town policy or future planning may be issued without prior approval from the Chief Administrative Officer.
2. Statements to the news media shall be confined to the topic at hand:
 - a) Only factual information will be included, no personal judgments.
 - b) Statements should be written rather than oral, whenever possible.

Criminal Code Offences

Any employee charged with an offence under the Criminal Code of Canada may be suspended from employment depending on the nature of the offence and its relationship to the duties of the employee.

1. Circumstances will dictate whether the suspension is with or without pay;
2. Conviction of any moral offence may result in dismissal.

Political Activity

1. Municipal employees may run for and serve in elected offices providing no conflict of interest exists between the elected office and the employee's responsibilities to the Town.
 - a) Employees must understand that serving in an elective capacity could have a detrimental effect on work performance and on promotional opportunities.
2. All requests for leave of absence for running for School Board Trustee will be forwarded by the Director to the Chief Administrative Officer who, in determining a recommendation, will consider if such action is:

- a) Likely to impair public confidence in the existing or subsequent performance of the employee's official duties;
 - b) Likely to interfere with the time and attention the employee is required to devote to the municipal position;
 - c) In affiliation with or sponsored by a Provincial or Federal political party;
 - d) The leave and number of employees applying or already granted leave of absence.
3. A Town employee will be entitled to a leave of absence without pay or benefits during campaigning for a municipal, provincial or federal election.
- a) Upon election the employee must resign from the Town.
 - b) An employee who is not elected will be entitled to return to the same or similar employment effective the day after the election.

Penalties and Appeals

1. Any infraction or transgression of the Code of Ethics may result in the Town taking the following action:
 - a) Instruct the employee to divest himself/herself of the outside interest or transfer it to a blind trust;
 - b) Transfer the employee to another division of the department or arrange a transfer to another department (if a position is available);
 - c) Remove the employee temporarily from the duties which brought about the conflict of interest;
 - d) Accept the resignation of the employee;
 - e) Initiate disciplinary action in the form of:
 - i. An oral or written reprimand;
 - ii. Suspension without pay for a period of time;
 - iii. A recommendation that the employee be dismissed;
 - f) Press criminal charges.
2. The employee may appeal as prescribed in union contracts or in writing to the Chief Administrative Officer.

EQUAL OPPORTUNITY PROGRAM

ADMINISTRATION

Policy

The Town Kirkland Lake supports the principle of equal access to employment, promotions, training and career opportunities for all employees based upon job-related knowledge, skill and ability. Where any individual employee or prospective employee experiences disadvantages, due to harassment or prohibited discrimination, action will be taken to prevent, eliminate, or redress such disadvantages.

Objectives

1. To ensure the basic rights of employees, and prospective employees, as stated in the Ontario Human Rights Code.
2. To influence attitudes in order to ensure "Equal Opportunity" exists in all employment situations.
3. To provide a resource to Town Officials, Directors, Supervisors, and employees, and to unions and associations on the subject of "Equal Opportunity" and "Human Rights" matters.

Responsibility of the Chief Administrative Officer

1. To advise and represent departments of the Town of Kirkland Lake in resolving possible contraventions of the Ontario Human Rights Code.
2. To ensure that the principles, terms and conditions of the Equal Opportunity Program, as defined, are adhered to.
3. To respond to, and to make recommendations regarding those practices and policies, which are, identified as possibly being in conflict with the Equal Opportunity Program.
4. To ensure that Town employees are made aware of the Equal Opportunity Program, and those rights and responsibilities covered by it.

Responsibility of Management

Note: For the purpose of this Policy, "Management" includes the Town Chief Administrative Officer, Directors, Supervisors, or any person with immediate supervisory responsibility.

1. To ensure that the principles, terms and conditions of the Equal Opportunity Program are adhered to.
2. To bring to the attention of the Chief Administrative Officer, practices, or policies, which, may be in conflict with the Equal Opportunity Program.

3. To utilize the Chief Administrative Officer in ensuring that Town employees are made aware of the Equal Opportunity Program.

EMPLOYEE OFFENCES

Harassment

1. No employee shall harass another employee or prospective employee. Some examples of this type of harassment are:
 - a) Unwelcome remarks, jokes, innuendos or taunting about a person's body, attire, age or marital status;
 - b) Unwelcome or intimidating invitation or requests, whether indirect or explicit;
 - c) Leering or other gestures;
 - d) Not speaking to another employee;
 - e) Belittling an employee's conduct, action or performance;
 - f) Unnecessary physical contact such as touching, patting, pinching, etc.
2. Sexual advances, requests for sexual favours and other verbal or physical conduct of sexual nature constitutes sexual harassment when:
 - a) Submission to such conduct is made explicitly or implicitly a term or condition of employment.
 - b) Submission to or rejection of such conduct is used as the basis for decisions affecting an individual's employment, promotion or movement within the organization.
 - c) Such conduct has the purpose or effect of humiliating an individual's work performance or creating an intimidating, hostile or offensive work environment.

DISCRIMINATION

Note: For the purpose of this policy, discrimination means different or unequal treatment, and includes the concept of systemic discrimination, in which neutral systems often have a disproportionate or disparate effect upon a particular group. (e.g. height or weight requirements may negatively affect employment opportunities for women and men.)

No employee shall discriminate against another employee or prospective employee because of that person's race, colour, place of origin, ancestry, sex, age, marital status, religious beliefs, physical disability, or any other category covered under the Ontario Human Rights Code.

COMPLAINT PROCESSING

Employee Responsibility

1. Employees who believe they have been the subject of harassment or discrimination have a responsibility to advise the offender that the action is unacceptable behaviour, and unwelcome.
2. Employees, knowledgeable of an occurrence of harassment or discrimination, may discuss the matter with the Chief Administrative Officer; the Directors; their immediate supervisor, or with their union or association.
3. Where due to a perceived involvement or bias, employees are not able to proceed through their supervisor or Director, they may report directly to the Chief Administrative Officer.
4. Employees may wish to discuss a complaint with the Ontario Human Rights Commission, or, if the matter is perceived to be of a criminal nature, proceed to the police.

Management Responsibility

Management shall report claims of an occurrence of harassment or discrimination to the Chief Administrative Officer and, concurrently unless there is a perceived involvement or bias present, through normal reporting channels within the department.

1. All written complaints received by departments, from the Ontario Human Rights Commission shall be immediately referred to the Chief Administrative Officer.

Chief Administrative Officer's Responsibility

The Chief Administrative Officer shall be responsible for conducting an impartial and objective investigation on each formal complaint submitted.

INVESTIGATION REPORT

Complaints or allegations of harassment or discrimination should be reported immediately. Complaints will not be accepted if the time limited is beyond forty (40) working days of the most recent incident related to the concern. On receipt of a complaint or an allegation, the Chief Administrative Officer shall carry out a preliminary review to determine whether or not there are reasonable grounds for further investigation.

Note: All complaints shall be treated in complete confidence.

1. If reasonable grounds exist, then the complainants shall make a full written and signed statement.
2. The Chief Administrative Officer shall advise the complainants that they have the right to file a complaint with the Ontario Human Rights Commission.
3. The Chief Administrative Officer shall advise the complainants that they have the right to report the matter to the police where there is an indication that a criminal offence has been committed.

4. The Chief Administrative Officer shall notify the appropriate Director. A copy of the complaint shall be served on the person(s) named in the complaint, and a copy shall be provided to the complainant.

Note: The circumstances and the extent of the complaint will dictate whether the Chief Administrative Officer informs the Town Council, and the Town Solicitor.

5. The Chief Administrative Officer shall undertake a thorough and complete investigation of the allegation.
 - a) Directors/Supervisors will be contacted to advise them where there is a need to interview staff members.
 - i) Interviews shall be carried out with persons identified as witnesses or information sources to the complaint.
 - ii) Where a person provides material information that may be used as factual evidence to support or refute the complaint, a written statement signed by the person shall be obtained.
 - b) All pertinent information shall be considered.

Note: The Chief Administrative Officer's role is to be impartial and objective during the investigation.

6. Where an allegation of harassment is filed involving a Town Council Member, Director, Director, Supervisor, or a subordinate, the Town Solicitor shall accompany the Chief Administrative Officer during the investigation.
7. Where sufficient information has been obtained to warrant the action, a verbal or written report shall be provided to the Director concerned to determine if suspension, pending completion of the investigation, is appropriate.
8. Where appropriate, the Chief Administrative Officer may consult with the Ontario Human Rights Commission to review precedence in similar cases, in order to recommend a fair and just resolution to the matter.
9. The final written investigation report shall be discussed with the Director, or designate, prior to a final decision being made by the department.
10. The investigation report is viewed as a confidential document. Distribution shall be restricted to the Director and persons identified by the Chief Administrative Officer and Director, as needing to be informed of the situation.
11. The Director shall communicate the appropriate results of an investigation to the person or persons named as respondent in a complaint.
12. The Chief Administrative Officer shall send a letter explaining the findings of the investigation to the complainant.
13. A complainant who is not satisfied with the manner in which the investigation was carried out may take the matter to Town Council.

14. A complainant who is not satisfied with the results of the investigation may lodge the original complaint with the Ontario Human Rights Commission within the required time limits.
15. If the complaint is referred to the Ontario Human Rights Commission for investigation, the Chief Administrative Officer, if requested, shall provide assistance.
16. The Chief Administrative Officer shall be present at any internal hearings where the evidence or statements obtained during an investigation are at issue, (e.g grievance hearings).

PROTECTION AGAINST RETALIATION

No member of management shall discharge, suspend, intimidate or impose any other penalty on, or otherwise discriminate against a person, because that person has made a complaint or given evidence or assisted in any way in the investigation and resolution of a complaint of harassment or discrimination.

DISCIPLINE

1. Disciplinary action may range from verbal or written reprimand to, in more serious cases, suspension or dismissal.
2. A member of management who fails to take appropriate action shall be subject to discipline.

Approved By: Council Resolution

Date: February 3, 2009