



# Staff Report

## Administration – Human Resources

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**Report To:** Council Meeting  
**Meeting Date:** July 14, 2025  
**Report Number:** ADM.25.046  
**Title:** Employee Code of Conduct – Revised Definitions  
**Prepared by:** Sarah Traynor, Manager of Human Resources

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### A. Recommendations

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THAT Council receive Staff Report ADM.025.046, entitled “Employee Code of Conduct – Revised Definitions”;

AND THAT Council approve the new Corporate Policy entitled “Employee Code of Conduct, POL.COR.25.XX” and accompanying Complaint and Investigation Procedure as attached to staff report ADM.25.046.

### B. Overview

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This report seeks Council approval of a new Employee Code of Conduct and accompanying Employee Code of Conduct Complaint Investigation Procedure.

### C. Background

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Further to staff report [ADM.25.027 Employee Code of Conduct](#) considered at the June 30, 2025 Committee of the Whole meeting, this report is provided directly to Council as requested at the June 30, 2025 Committee of the Whole meeting (recommendation below)

THAT Council receive Staff Report ADM.025.027, entitled “Employee Code of Conduct”;

AND THAT Council direct staff to make the changes to the new Corporate Policy entitled “Employee Code of Conduct, POL.COR.25.XX” and accompanying Complaint and Investigation Procedure as attached to this report, and provide the same to the July 14, 2025, Council Meeting, for consideration.

### D. Analysis

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The revised draft Employee Code of Conduct, attached to this report, includes the following updates to the definitions section:

- Added a new definition of “Accountability”, to align with the [Accountability and Transparency of Town Actions to the Public Policy](#)
- Expands the “Conflict of Interest” definition to also address “Perceived Conflict of Interest”

## **E. Strategic Priorities**

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### **1. Communication and Engagement**

We will enhance communications and engagement between Town Staff, Town residents and stakeholders.

### **2. Organizational Excellence**

We will continually seek out ways to improve the internal organization of Town Staff and the management of Town assets.

### **3. Community**

We will protect and enhance the community feel and the character of the Town, while ensuring the responsible use of resources and restoration of nature.

### **4. Quality of Life**

We will foster a high quality of life for full-time and part-time residents of all ages and stages, while welcoming visitors.

## **F. Environmental Impacts**

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N/A

## **G. Financial Impacts**

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N/A

## **H. In Consultation With**

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Corrina Giles, Town Clerk

## **I. Public Engagement**

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The topic of this Staff Report has not been the subject of a Public Meeting and/or a Public Information Centre as neither a Public Meeting nor a Public Information Centre are required. However, any comments regarding this report should be submitted to Sarah Traynor, Manager of Human Resources [hr@thebluemountains.ca](mailto:hr@thebluemountains.ca).

**J. Attached**

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1. Draft Employee Code of Conduct POL.COR.25.XX- Revised
2. Draft Appendix A - Employee Code of Conduct Complaint Investigation Procedure

Respectfully submitted,

Sarah Traynor  
Manager of Human Resources

For more information, please contact:  
Sarah Traynor, Manager of Human Resources  
[hr@thebluemountains.ca](mailto:hr@thebluemountains.ca)  
519-599-3131 extension 244

### Report Approval Details

Document Title:	ADM.25.046 Employee Code of Conduct - Revised Definitions.docx
Attachments:	<ul style="list-style-type: none"><li>- Attachment 1 - POL.COR.2X.XX Employee Code of Conduct Policy - REVISED July 2 2025.pdf</li><li>- Attachment 2 - POL.COR.25.XX- Appendix A- Employee Code of Conduct Complaint Investigation Procedure - June 17 2025.pdf</li></ul>
Final Approval Date:	Jul 4, 2025

This report and all of its attachments were approved and signed as outlined below:

**Sarah Traynor - Jul 4, 2025 - 1:10 PM**

**No Signature - Task assigned to Adam Smith was completed by delegate Monica Quinlan**

**Adam Smith - Jul 4, 2025 - 1:21 PM**



# Policy

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## POL.COR.00.00 Employee Code of Conduct

**Policy Type:** Corporate Policy (Approved by Council)  
**Date Approved:** Month, 00, 20XX  
**Department:** Administration  
**Staff Report:**  
**By-Law No.:** 20XX-

### Policy Statement

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The Town of The Blue Mountains (the Town) is committed to delivering exceptional programs and services while adhering to the highest ethical standards. All employees and volunteers must comply with this Code of Conduct, ensuring their personal interests do not conflict with their official duties. This Code is based on shared principles of honesty, transparency, trustworthiness, objectivity, Accountability, diligence, and professionalism, which guide the actions of both staff and Council.

### Purpose

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The Town requires its Employee to conduct themselves in an Ethical manner that reflects the Town's commitment to the principles of honesty, transparency, integrity, trustworthiness, objectivity, impartiality, Accountability, diligence, and professionalism in delivering programs and services to the public and in their interactions within the Workplace.

Town Employees must follow standards of Ethical and professional behaviour in the course of their work to ensure that public confidence and trust is maintained. This Code of Conduct establishes expectations for Ethical conduct and establishes standards designed to promote and protect the public's interest and enhance public confidence and trust in the integrity, objectivity and impartiality of the Town and its Employees.

### Application

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This policy applies to all Employees and volunteers of the Town of The Blue Mountains and includes:

- All full-time and part-time Employees, unionized and non-union employees
- All permanent, contract, seasonal, students, and temporary Employees
- All volunteers and Paid Per Call Firefighters (Board & Committee Volunteers must abide by their respective Code of Conduct)

Nothing in this Code is meant to conflict with the Town's obligations to its Employees under applicable employment legislation, collective agreements or employment contracts. Similarly, some Employees (engineers, accountants, planners, etc.) may have professional obligations and should seek clarification from both their manager and their professional associations in the case of a perceived conflict.

## Definitions

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**Accountability:** means the Town of The Blue Mountains, its Employees and elected Council's commitment, undertaking and duty to answer to those it serves for its actions, inactions and general state of affairs.

**Business Hospitality:** Entertainment, food and beverages consumed at banquets, receptions, or similar events, if:

- a) attendance serves a legitimate business purpose;
- b) the person extending the invitation, or a representative of the organization, is in attendance; and
- c) the value is reasonable, and the invitations are infrequent.

**Confidentiality:** Keeping secret or private information that is intended solely for a specific audience, and shall include, but not limited to, verbal conversations, meeting discussion, records, documents and materials that are made accessible/available only to those explicitly authorized to have access.

**Conflict of Interest:** A situation in which private or personal considerations, including Pecuniary Interests, Personal Interests or Private Interests, could affect an Employee's judgment in acting in the best interests of the Town and the public's interest.

### **Apparent Conflict**

An Apparent Conflict exists where a reasonably well-informed person, after reviewing and considering the matter, could reasonably conclude that the Employee's ability to exercise their official power or perform their official duties or functions must have been affected by their Personal or Private interests.

### **Potential Conflict**

A Potential Conflict of Interest arises where an Employee has Personal or Private Interests such that, while no conflict has yet arisen, a conflict would arise were the Employee to become involved in discharging Workplace responsibilities in the future that could be influenced by the private interest.

### **Perceived Conflict**

A Perceived Conflict of Interest arises where an Employee's Personal or Private Interests would appear, to a reasonably well-informed person, as potentially compromising their impartiality or decision-making, even though there may not be an actual Conflict of Interest.

**Real Conflict**

A Real Conflict exists where a Personal or Private interest exists, and that interest:

- a. Is known to the Employee; and
- b. Has a connection to the Employee's duties that is sufficient to influence or interfere with the performance of those duties.

**Direct Reporting Relationship:** a relationship in which one Employee has authority to do the following with respect to the other (the subordinate):

- approve or deny increments, overtime or negotiate salary levels.
- conduct performance appraisals.
- administer discipline; or
- direct work assignments

**Employee / Staff:** Includes the following:

- All full-time and part-time, unionized and non-union Employees
- All permanent, contract, seasonal, students, and temporary Employees
- All volunteers and Paid Per Call Firefighters (Board & Committee Volunteers must abide by their respective Code of Conduct)

**Ethical Behaviour:** The application of moral principles, standards of behaviour, and a set of values regarding proper conduct in the Workplace. This includes the principles of conduct governing the Town's Employees based on honesty, transparency, integrity, trustworthiness, objectivity, diligence and professionalism and is consistent with the Town's values.

**Fraud or Fraudulent Activity:** Wrongful or criminal deception intended to result in personal or financial gain. This may include intentional perversion of truth in order to induce another to part with something of value or surrender a legal right. Also includes the act of deceiving or misrepresenting.

**Gift:** Refers to money, fee, advance, payment, Gift, Gift certificate, promise to pay, property, travel, accommodation, entertainment, hospitality or any other personal benefit connected directly or indirectly with the performance of an Employee's duties, but excludes:

- a) Compensation authorized by law
- b) Services provided by persons volunteering their time
- c) Contributions of value that are specifically addressed in other provisions of this Code
- d) Gifts provided to the Town of The Blue Mountains, and which are logged, archived and/or publicly displayed and/or acknowledged as such
- e) A Gift received as a prize or contest

A Gift provided with the Employee's knowledge to an Immediate Relative that is connected directly or indirectly to the performance of the Employee's duties is deemed to be a Gift to that Employee.

**Immediate Relative:** A parent, spouse, child, sister, brother, sister-in-law, brother-in-law, father-in-law, mother-in-law, as well as step-relationships and half-relationships; spouse shall mean the person to whom a person is married or with whom the person is living in a conjugal relationship outside of marriage. This definition shall also include any other person(s) that are living with the Employee on a full-time basis, whom the Employee has demonstrated a settled intention to treat as an Immediate Relative.

**Lobbying / Lobbyist Registry:** The Lobbyist Registry is a proactive measure to ensure that all Town business is conducted in a manner that is open and transparent, that businesses are treated fairly, and that citizens have access to their local leaders. The registry tracks communication between public officials and people or businesses that have the intention to effect changes to legislation, regulations, programs or services, and interests related to future procurement.

**Management Staff:** Refers to Supervisors, Managers, Directors and any Employee with the authority to direct, supervise and discipline members of the Town's workforce.

**Nominal Value:** Goods or services with a face value of less than \$50.

**Pecuniary Interest(s):** Interests that have a direct or indirect financial impact, including any matter in which an Employee has a financial interest, or in which an Employee is a shareholder, director or senior officer or holds a controlling interest in a corporation, and that corporation has a financial interest. This also includes instances where the Employee is a partner of a person or is in the employment of a person that has a financial interest, or an Immediate Relative of an Employee has a financial interest, if known to the Employee.

**Personal Interests:** Involves forms of advantage other than financial, such as seeking employment, an appointment, promotion or transfer with the Town on behalf of an Immediate Relative.

**Political Activity:** Includes, but is not limited to, being a candidate for elected office, campaigning for a candidate for elected office, fundraising for an election campaign, or promoting a political party or cause.

**Private Interests:** means a relationship, obligation, duty, responsibility or benefit unique to the Employee or a person related to the Employee.

**Publications:** means communication to an Employee, including subscriptions to newspapers and periodicals.

**Token of Appreciation:** means Gifts or benefits that normally accompany the responsibilities and are received as an incident of protocol or social obligation, or which are a suitable memento of a function honouring the Employee.

**Town Property:** means all real property, land, fleet (including Town Vehicles), facilities, equipment, materials, supplies, technology resources, hardware, software, communications devices, intellectual property, and documents, including electronic versions thereof.



**Town Vehicle:** Town Vehicles are as defined in the Town's Corporate Vehicle Policy.

**Workplace:** Includes any land, premises, location, or thing at, upon, in, or near which an Employee works. For clarity, this includes all locations where Employees conduct Town business or social activities and where their behaviour may have a subsequent impact on work relationships, work environment, and/or performance. This includes when Employees are working remotely, including from home. Incidents that occur by way of electronic communication (e.g. unwelcome phone calls, voice mail, texting, group chat messages, on e-mail or other social media, and the display of offensive materials on computers, smartphones, or other computing devices) will be considered to have occurred in the Workplace if directed to or from Employee and where such conduct may reasonably be expected to have an impact on work relationships, the work environment and/or performance.

## **Procedures**

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### **Rules & Expectations**

The Town of The Blue Mountains strives to protect its Employees, vendors, customers, citizens, and the public from any illegal, unethical, Fraudulent or damaging actions committed by Employees, either knowingly or unknowingly.

All Town of The Blue Mountains Employees are required to comply with this policy and be aware of the policies, procedures, laws, and regulations that affect their job. While this Code of Conduct does not cover every situation, Employees are expected to exercise sound judgment and contact their supervisor/manager for clarification or advice when uncertain.

**Employees are expected to conduct themselves based on the following standards:**

#### **1. Respect**

- a) Work together respectfully to promote a Workplace based on trust, honesty, safety, integrity, transparency, Accountability, and openness.
- b) Be fair and civil and operate in a climate of mutual respect and understanding.
- c) Not abuse authority, use intimidation, fear or retaliation in the Workplace. Treat the public with diplomacy, tact, objectivity, fairness and respect and recognize that public contact affects the municipality's public image.
- d) Contribute to a safe and healthy Workplace.

#### **2. Integrity**

- a) Always act with integrity and in a manner that will bear the closest public scrutiny.

- b) Never inappropriately use one's official role or position to obtain an advantage for themselves or to advantage or disadvantage others.
- c) Take all possible steps to prevent and resolve any Real, Apparent, Perceived or Potential Conflicts of interest between their official responsibilities and their private affairs in favour of the public interest.
- d) Have an obligation to speak the truth to their fellow staff, superiors and to Council.

### **3. Stewardship**

- a) General
  - i) In accordance with the Municipal Act, Staff's role is to implement the decisions of Council and establish administrative practices and procedures necessary to carry out these decisions.
  - ii) Effectively and efficiently use all Town resources, public funds, and property for the intended purposes.
  - iii) Not engage in Fraud, theft, Fraudulent activities or willful destruction of Town Property.
  - iv) Establish administrative policies, processes, and procedures to effectively safeguard Town resources from abuse, theft, or harm.
  - v) Consider the current and long-term effects that the Employee's actions have on the community, including the environment, and the reputation of the Town of The Blue Mountains.
- b) Confidentiality
  - i) Ensure that sensitive information is appropriately collected, stored, disclosed, provided or shared only to those entitled to it.
  - ii) Not inappropriately disclose (by any means), share, or otherwise abuse confidential or privileged information.
  - iii) Maintain Confidentiality of information both during employment and after departing the organization.
  - iv) Not intentionally misrepresenting information or facts.
  - v) By virtue of their position with the Town of The Blue Mountains, Employee shall not use information for personal or private gain or for the gain of Immediate Relatives or any person or corporation having dealings with the Town of The Blue Mountains.

#### **4. Conflict of Interest**

- a) A Conflict of Interest arises when an Employee's Personal or Private Interests conflict with their duties and responsibilities as an Employee of the Town. A Real, Apparent, Perceived, and/or Potential Conflict of Interest can exist whether a Pecuniary advantage has been or may have been conferred on an Employee or an Immediate Relative.
- b) Employees shall not engage in any business transactions or have financial or other Personal Interests which are inconsistent with the impartial discharge of their civic duties.
- c) Employees shall not extend, in the discharge of their official duties, preferential treatment to Immediate Relatives, friends, organizations or groups in which they or their Immediate Relatives or friends have a Pecuniary Interest.
- d) Employees shall not gain personal benefit, directly or indirectly, from any agreement or contract with the Town about which they can influence decisions or affect the outcome or use their position(s) at the Town of The Blue Mountains to further their Private Interests.
- e) Employees shall not gain personal benefit, or permit others to benefit, from access to information acquired in their official capacity which is not generally available to the public through ordinary and proper channels.
- f) Employees are to take immediate action to prevent or resolve Real, Apparent, Perceived or Potential Conflicts, and to inform their supervisor/manager that they are unable to act on a matter in which there is a Real or Apparent Conflict of Interest.
- g) Disclose to their Manager and/or Director, in the case of Directors, to the CAO, in the case of the CAO to Council, in writing in a timely manner, any matter in which there is a Real, Apparent and/or Potential Conflict of Interest. The potential for Perceived Conflicts should also be raised verbally or in writing and in a timely manner, in order to mitigate where possible.
- h) Not participate in the analysis of information or make decisions on an issue or matter in which there is a Real, Apparent, Perceived and/or Potential Conflict of Interest.
- i) Decline employment, including self-employment, from an outside interest that is either incompatible with or in conflict with the Employee's official duties for the Town of The Blue Mountains.
- j) Do not provide preferential treatment and avoid the appearance of preferential treatment by adhering to established procedures.
- k) Adhere to the requirements of the Lobbyist Code of Conduct. Declare any interests as a Lobbyist and register accordingly and further communicate with others the requirement to register when applicable.

- l) The Town does permit individuals with Personal or Private Interests relating to other Staff, Members of Council, Committees or Boards to work for the Town, subject to the following:
  - i) There is no Direct Reporting Relationship between the individuals, as defined.
  - ii) A reasonable person would not consider the situation likely to compromise an individual's impartiality in the performance of their duties, obligations, and/or responsibilities.
  - iii) The circumstances are not reasonably believed to create a risk that a decision may be unduly influenced by Personal or Private Interests.

All new Employees, at the time an employment offer is made, will be required to disclose any such relationships to Human Resources. The employment offer will be conditional on complying with the requirements listed in i – iii above.

All existing Employees must inform the Manager of Human Resources and their Director immediately of current/changes to personal or Private Interests that have the potential to create a real or Perceived Conflict of Interest as indicated in i – iii above.

The Town, at the discretion of the CAO and in compliance with relevant laws and legislation, reserves the right to make changes to employment terms and status in circumstances where other mitigation options are not available to address real and/or Perceived Conflicts of interest resulting from Personal or Private Interests.

## **5. Accountability**

- a) Not perform work that is unrelated to the Town of The Blue Mountains' business during the Employee's business hours. Ensure that time is spent on work responsibilities and is used effectively.
- b) Use Town information, property, and assets for activities associated with the discharge of the Employee's duties. It is recognized that occasional personal use of devices, phones and computers can occur, provided such use does not interfere with normal business operations or productivity, and the Employee is personally responsible for any consequential or additional costs. Such use will not be for illicit, illegal, immoral or disrespectful purposes.
- c) Keep individual political activities separate from the business of the Town, including not engaging in any political activities at the Workplace, during working hours or using Town Property or resources.
- d) Comply with applicable corporate policies and procedures, laws and regulations, including but not limited to:
  - i) Adherence to the policies, procedures and by-laws related to delegated authority (i.e. Council delegated authority, procurement, and expenditure authorities, etc.).

- ii) Operate/use Town Vehicles, equipment and/or materials in accordance with the respective procedures and applicable Health & Safety requirements.
- iii) Promoting a respectful Workplace that is free from any form of discrimination, harassment, or violence in accordance with the Town's Respectful Workplace policy, POL.COR.24.02 and Workplace Violence policy, POL.COR.24.03 policies, as amended from time to time.
- iv) Comply with the Municipal Elections Act and Municipal Act if the Employee wishes to run as a candidate in a municipal election.

**6. Impairment** *(Also refer to POL.HS.19.03.Fit for Duty Policy)*

- a) Abide by applicable laws, regulations and policies governing the possession, distribution or use of alcohol, cannabis, illicit drugs or medications and ensure that job performance is not adversely affected.
- b) An Employee must not be impaired by the use of alcohol, cannabis, medication (prescribed or non-prescribed), or illicit drugs while at work.
- c) The sale, unlawful possession, manufacture or distribution of alcohol, cannabis, illicit drugs, or non-prescribed medication for which a prescription is legally required, during work hours, is prohibited.
- d) Any Employee who is impaired by alcohol, cannabis, illicit drugs or medication in the course of their employment may be subject to discipline up to and including dismissal.

**7. Gifts**

- a) No Employee shall accept any Gift unless expressly permitted by this Rule.
- b) No Employee shall accept any Gift involving the use of property or facilities, such as a vehicle, office, club membership or vacation property at less than reasonable market value or at no cost. Notwithstanding this prohibition, with specific approval provided by the CAO, an Employee may be sponsored to attend educational site visits connected with an identified project.
- c) Employees shall not accept Gifts that would, to a reasonable person, appear to be in gratitude for influence, to induce influence, or otherwise to go beyond the necessary and appropriate public functions involved. For these purposes, a Gift, benefit or hospitality provided with the Employee's knowledge to an Employee's Immediate Relative that is connected directly or indirectly to the performance of the Employee's duties is deemed to be a Gift to that Employee.

- d) No Employee shall knowingly accept Gifts or benefits of any kind from any bidder or potential bidder in either the pre-procurement phase, during or after the procurement process.
- e) Gifts identified in Column B of Table '1' may be accepted by an Employee provided the Gift is disclosed in accordance with the conditions set out in Column C'.
- f) Gift Disclosure, where required, is to be accomplished by filing within 30 days of receipt of the Gift or reaching the annual limit, an Employee Gift Disclosure in a form prescribed by the Manager of Human Resources for posting on the Town's website.
- g) Gifts identified in Column B shall not be accepted without the CAO or designate's specific approval, when the conditions set out in Column D' are applicable.
- h) Should the receipt of a Gift be determined inappropriate, the Employee may be directed to return the Gift, reimburse the donor for the fair market value of any Gift or benefit already consumed, or donate to a charity under the advice and discretion of the CAO.

**TABLE 1 - Gift Treatment and Disclosure**

<b><u>A</u></b>	<b><u>B</u></b>	<b><u>C</u></b>	<b><u>D</u></b>
<b><u>Type of Gift</u></b>	<b><u>Examples</u></b>	<b><u>Gift Disclosure</u></b> <i>Apparent Value at which Gift, or the <b>cumulative</b> value from one source in a calendar year, is disclosable</i>	<b><u>Gift No Longer Allowable</u></b> <i>Condition or Actual Value beyond which Gift is not allowable (Value assessed on the basis of a single Gift or cumulative Gift value from one source in a calendar year) (without CAO approval)</i>
<b>Token of Appreciation</b>	Plaques, Pens, Mugs, Vases, Event Photos, and similar	No need to record - Deemed Nominal Value	Where the actual value exceeds \$100, not permissible
	Perishable and consumables, including flowers, food and beverages	No need to record - Deemed Nominal Value	Where the actual value exceeds \$100, not permissible.  May be allowable with Director or CAO approval
	Gift up to \$50	No need to record - Deemed Nominal Value	Where the actual value exceeds \$50, it shall be provided to staff for appropriate disposition, such as, but not limited to donation to a charity or returned to Gifter.
<b>Course of Business</b>	Publications	No need to record - Deemed Nominal	N/A

<b>A</b>	<b>B</b>	<b>C</b>	<b>D</b>
<b><u>Type of Gift</u></b>	<b><u>Examples</u></b>	<b><u>Gift Disclosure</u></b> <i>Apparent Value at which Gift, or the <b>cumulative</b> value from one source in a calendar year, is disclosable</i>	<b><u>Gift No Longer Allowable</u></b> <i>Condition or Actual Value beyond which Gift is not allowable (Value assessed on the basis of a single Gift or cumulative Gift value from one source in a calendar year) (without CAO approval)</i>
		Value	
	Art	Disclosure required for items valued over \$50	Where actual value of Gifts exceeds \$250, not permissible.
	Business Meals	Disclosure required for items valued over \$100	Where the actual value of Gifts exceeds \$250, not permissible.
	Business Hospitality	Disclosure required for items valued over \$100	Where the actual value of Gifts exceeds \$250, may not be permissible  Cannot accept event tickets to a Golf, Gala, Sporting, Entertainment, which exceed \$250 per ticket  May be permissible with CAO approval

## 8. Responsibilities

All Employees and volunteers of the Town have a responsibility and obligation to adhere to this Code of Conduct and the standards and principles set out within it.

### a) **Management Staff must:**

- i) Promote an environment in which Employees demonstrate high standards of Ethical and professional behaviour;
- ii) Undertake research and provide impartial and objective advice to Council concerning the policies and programs of the Town and other duties assigned by the Town, including those required under legislation such as the Municipal Act. Staff reports must be objective and identify a full range of options for Council to consider. The known risks associated with options must be clearly and fully presented. At no time should the fiscal impacts of any option be intentionally minimized by staff.
- iii) Accurately summarize or explain the findings of a consultant's report, as long as the full report is available and provided to Council. If the report is complex, the consultant

should be available to speak to Council and respond to questions and issues that arise from the consultant's report. If the report is lengthy, the consultant should provide an executive summary of the report.

- iv) Ensure that the Town receives the benefit of the relevant expertise of its staff. Major initiatives at the Town should be disclosed to and considered by the Chief Administrative Officer and Directors.
- v) Take appropriate steps to ensure Employees are aware of and act in compliance with this Code of Conduct and related policies;
- vi) Demonstrate behaviours that are consistent with the Code of Conduct;
- vii) Support Staff members in the adherence to the Code of Conduct;
- viii) Promote a safe and healthy Workplace which promotes the reporting of issues and incidents with no fear of reprisal or retaliation, where the complaint is not frivolous, vexatious or made maliciously;
- ix) Establish and maintain adequate systems, procedures and controls for the operation which support compliance with this Code of Conduct;
- x) Deal in a fair and expeditious manner with any issues or allegations of Code of Conduct violations, in consultation with the Manager of Human Resources / CAO, which may require the advice or investigation of the integrity commissioner or other external consultant(s) or legal counsel, particularly for violations related to a Director or Chief Administrative Officer.
- xi) Begin an investigation into an allegation or complaint within five (5) business days or as soon as possible after receiving an allegation or complaint in writing, which is signed by the complainant.

**b) Employees must:**

- i) As a condition of employment, sign an acknowledgment at the time of hiring and annually thereafter, certifying that they have read, understood, and agree to comply with the Code of Conduct.
- ii) Not falsify Town records, including timesheets.
- iii) Perform duties in a safe and diligent manner in accordance with job descriptions.
- iv) Seek clarification from their direct supervisor, Director, Manager of Human Resources or the CAO, if uncertain about any information contained in the Code of Conduct.
- v) Adhere to the standards of behaviour outlined in this Code of Conduct.



- vi) Take measures to ensure that they are not influenced in their advice or recommendations to Council by an individual Council member or group of Council members.
- vii) Staff reports, including draft reports, should not be shared or disclosed to individual Council members or groups of Council members, except where explicitly authorized by Council.
- viii) If a Council member requests information from Staff, the requested information should be provided to all Council members. The Code should provide that every effort should be made by Staff to ensure that each member of Council has the same information.

**c) Manager of Human Resources must:**

- i) Ensure the maintenance of the Code of Conduct and human resources-related policies and procedures, and ensure that new Employees are provided with appropriate training.
- ii) Provide, with Human Resources staff, relevant and ongoing education and information relating to the Code of Conduct to Employees, and additional training when updates to the Code of Conduct occur or as new legal or other issues arise.
- iii) Provide advice on matters that are related to the Code of Conduct.
- iv) Support management in the investigation of alleged breaches of the Code of Conduct.
- v) Determine, in conjunction with management, the appropriate disciplinary action for confirmed breaches.
- vi) Ensure that the approved Code of Conduct is posted on the Town of The Blue Mountains website.

**9. Reporting and Investigation**

- a) Employees who have reasonable grounds to believe a violation of this Code of Conduct has occurred should report such activity or behaviour, in writing, to their Supervisor, Manager, Director, Manager of Human Resources, or Chief Administrative Officer, as appropriate.
- b) If a complaint is regarding the CAO, it should be submitted to the Mayor or Designate. If the complaint is regarding the Manager of HR, it should be submitted to the CAO.
- c) Supervisory and Management Staff shall take all appropriate steps to prevent and stop Code of Conduct issues which come to their attention.
- d) Any supervisory or Management Staff member who is subject to, witnesses, or is given a written complaint of a Code of Conduct breach or violation shall work to immediately rectify, minimize or eliminate the issue at hand. In the event that this is not possible with available

resources, Management Staff is required to report the conflict to their Director, Manager of Human Resources, or Chief Administrative Officer.

- e) The Town shall investigate all complaints of violations of this Code of Conduct and take all appropriate corrective actions to address any identified infractions. All complaints will be addressed in accordance with the Employee Code of Conduct Complaint Investigation Procedure, Appendix A, ensuring a systematic and consistent approach to enforcing conduct standards throughout the Town.

## **10. No Retaliation**

- a) The Town will not condone retaliation or reprisal of any kind by or on behalf of the Town and its Employees against good faith reports or complaints of violation of the Code of Conduct or other illegal or unethical conduct and will result in appropriate disciplinary action up to and including dismissal.
- b) All Employees must cooperate fully during an investigation of alleged wrongdoing in relation to any activity outlined in the Code of Conduct.

## **11. Remedial Action**

- a) Any Employee who is found to have violated the Code of Conduct may be subject to disciplinary action up to and including discharge from employment.
- b) Complaints which are found to be frivolous, vexatious, malicious or made in bad faith will result in a penalty against the complainant. The severity of the penalty will be determined based on the seriousness and impact of the frivolous or vexatious complaint following an investigation, which may result in disciplinary action up to and including discharge from employment.

## **12. Annual Report**

An annual report will be provided by the Manager of Human Resources to the Chief Administrative Officer on the number of complaints received and processed, the nature of the complaints, the resolution of the complaints, and all recommendations made. The identity of the persons involved will not be disclosed in the report.

## **Exclusions**

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This Policy excludes Members of Council, Local Boards and Advisory Committee members of the Town of The Blue Mountains. POL.COR.21.06 Code of Conduct for Members of Council, Local Boards and Advisory Committees applies to Members of Council, Local Boards and Advisory Committee members.

## References and Related Policies

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- **Appendix A: Employee Code of Conduct- Complaint and Investigation Procedure**
- POL.COR.07.05 Purchasing of Goods and Services
- POL.COR.12.11 Corporate Media Relations
- POL.COR.12.13 Information Technology Acceptable Use
- POL.COR.13.23 Corporate Vehicle
- POL.COR.13.24 Progressive Discipline
- POL.COR.18.05 Travel, Business, Mileage Expense
- POL.COR.18.10 Social Media
- POL.COR.22.01 Records and Information Management
- POL.COR.22.02 Hiring of Employee
- POL.HS.06.01 Individual Responsibilities
- POL.HS.19.03 Fit for Duty
- POL.HS.22.07 Respectful Public Interactions
- POL.COR.22.08 Frivolous, Vexatious or Unreasonable Complaints
- POL.COR.24.02 Respectful Workplace
- POL.COR.24.03 Workplace Violence
- POL.COR.24.05 Accountability and Transparency of Town Actions to the Public
- *Municipal Act, 2001*
- *Municipal Conflict of Interest Act*
- *Municipal Elections Act*
- *Municipal Freedom of Information and Protection of Privacy Act*
- *Occupational Health & Safety Act*
- *Ontario Employment Standards Act*
- *Ontario Human Rights Code*

## Consequences of Non-Compliance

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Employees who breach this Code or fail to report an actual or potential breach of the Code of Conduct are subject to corrective action through the Town's Progressive Discipline Policy. Corrective action is the Town's response to unacceptable behaviour and can range from the use of disciplinary or non-disciplinary methods. Discipline can result in action up to and including termination of employment. Some violations or behaviours may also result in a legal response, including civil litigation or the involvement of the police. Examples include, but are not limited to, theft, Fraud, and violence.

## Review Cycle

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This Policy will be reviewed once per term of Council or as required based on revisions to corporate practices or governing legislation.



# Procedure- **DRAFT**

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POL.COR.25.XX

## Appendix A- Employee Code of Conduct Complaint and Investigation Procedure

**Policy Type:** Corporate Procedure (Approved by Council)  
**Date Approved:** Month 00, 20XX  
**Department:** Administration  
**Staff Report:** FAF.25.XXX  
**By-Law No.:** N/A

### Purpose

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The Town of The Blue Mountains (the Town) is committed to providing a work environment that promotes and protects values and behaviours exemplifying fairness and respect for everyone.

All complaints of a breach of the Town's Employee Code of Conduct Policy (the Code) are taken seriously and will be appropriately investigated and resolved according to this Employee Code of Conduct Complaint and Investigation Procedure (the Procedure).

### Application

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This Procedure applies to all Employees and volunteers of the Town and includes:

- All full-time and part-time employees, unionized and non-union employees
- All permanent, contract, seasonal, student and temporary employees
- All volunteers and Paid Per Call Firefighters (Board & Committee Volunteers must abide by their respective Code of Conduct).

This Procedure shall be applied in conjunction with all collective agreements, contracts, legislative requirements, and/or standards identified by an employee's professional affiliation.

### Definitions

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**Allegations in Bad Faith:** Refers to purposely making a false allegation.

**Complainant:** Refers to an Employee who is filing the formal complaint.

**Employee / Staff:** Includes the following:

- All full-time and part-time, unionized and non-union employees
- All permanent, contract, seasonal, students and temporary employees
- All volunteers and Paid Per Call Firefighters (Board & Committee Volunteers must abide by their respective Code of Conduct).

**Formal Complaint:** Refers to when an Employee files a complaint regarding a breach of the Code by completing a complaint form.

**Formal Investigation:** Refers to when Human Resources or a third-party Investigator commences an investigation under this Procedure.

**Investigation Report:** Refers to the compilation of all evidence from the Formal Investigation and the determination of whether or not a breach of the Code occurred.

**Investigator:** Refers to a person conducting a Formal Investigation in accordance with this Procedure.

**Respondent:** Refers to the Employee against whom the complaint is being filed.

## Procedures

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### 1. Filing a Complaint / Reporting Misconduct

- a) Employees who have reasonable grounds to believe a violation of the Code of Conduct has occurred should report such activity or behaviour, in writing, to their Supervisor, Manager, Director, Manager of Human Resources, or Chief Administrative Officer, as appropriate.
- b) If a complaint is regarding the CAO, it should be submitted to the Mayor or Designate. If the complaint is regarding the Manager of HR, it should be submitted to the CAO.
- c) Any Employee who files a complaint regarding a breach of the Code must complete a complaint form. The key components of the complaint form that must be completed when making a Formal Complaint include:
  - (i) The Complainant's information.
  - (ii) The name(s) of the alleged individual(s) to have committed the Code breach.
  - (iii) The name(s) of any other individual(s) who may have additional information or who have witnessed the Code breach.
  - (iv) A description of the complaint:
    - Dates and times of the incidents.
    - What happened and where?
    - What specific aspect(s) of the policy was breached?
  - (v) Additional evidence or documentation to assist in reviewing the allegation, such as:

- Emails, letters or documents.
  - (vi) Whether the Complainant has brought forward the issue(s) before.
    - If so, when and to whom?
  - (vii) The Complainant's preferred resolution to the investigation.
- d) Human Resources will review the Formal Complaint, in consultation with the Director and/or CAO and complete an initial assessment to determine if a Formal Investigation is warranted. If the matter involves a Formal Complaint against the CAO, Human Resources will consult with legal counsel and engage with the Mayor/Council. If the matter involves a Formal Complaint against Human Resources, the CAO will assess the complaint.
- e) Where warranted, a Formal Investigation will be initiated.
- f) If the evidence does not substantiate a potential breach of the Code, then Human Resources will support the affected Employees through an informal resolution path. Informal resolutions can include mediation, counselling, coaching, facilitation, training, or referrals.

Examples of what would not be a breach of the Code include:

- Enforcing the rules of business.
- Disciplinary actions.
- Performance management.
- Interpersonal conflict between people.

## **2. The Formal Investigation**

- a) The Town will endeavour to commence an investigation process within five (5) business days or as soon as possible after receiving a Formal Complaint. The investigation will be conducted by a member of Human Resources or, at the Town's discretion, an external investigator.
- b) Depending on the nature of the incident, the Town may elect to appoint a qualified third-party investigator to conduct the Formal Investigation. This will typically occur when:
- the allegation(s) is/are of a highly serious nature;
  - when the Complainant or Respondent is a member of senior-level management (CAO, Senior Management Team member);
  - if there is a potential or actual conflict of interest should Human Resources conduct the investigation; or
  - when the police are involved.
- c) The Formal Investigation may include, but is not limited to:

- Interviewing the Complainant and Respondent to ascertain all of the facts and circumstances relevant to the Formal Complaint, including dates and locations.
  - Interviewing witnesses identified by the Complainant and Respondent, if any, or as necessary to conduct a thorough investigation.
  - Reminding the Complainant, Respondent, and any witnesses, of the confidentiality requirements under this Procedure.
  - Collecting and reviewing any related documentation from the Complainant, Respondent, or a witness.
  - Taking statements during interviews and making detailed notes of the investigation and maintaining them in a confidential file.
- d) All Employees have a duty to cooperate with internal or external investigations concerning alleged misconduct and provide honest, accurate, complete, and timely information. Participants in the investigation are required to cooperate, including providing the Investigator with any relevant documents requested during the course of the investigation.

### **3. Roles and Responsibilities of the Investigator**

- a) The Investigator is responsible for engaging in the following steps:
- (i) Plan and implement the investigation, including gathering and recording all relevant evidence.
  - (ii) Identify information gaps, potential sources of further information, and who may be able to corroborate information.
  - (iii) Plan and prepare interview questions to obtain the necessary evidence about the alleged incidents.
  - (iv) Conduct interviews with the parties and relevant witnesses.
  - (v) Analyze evidence and determine the substance of each allegation.
  - (vi) Prepare the investigation report and summary.
- b) Once all interviews are complete, the Investigator will compile all evidence into an Investigation Report. The Investigator then must determine, based on a balance of probabilities, whether or not a breach of the Code occurred.
- c) In cases where harassment has been alleged, the Investigator must establish whether the conduct meets the definition of harassment, in accordance with the Town's Respectful Workplace Policy.
- d) Within the Investigation Report, the conclusions of the Formal Investigation will be outlined. Possible conclusions include:
- A breach of policy occurred.
  - A breach of policy did not occur.

- No findings, based on lack of evidence.
  - Not a breach of policy, but inappropriate behaviour.
- e) The Investigation Report must be submitted to the Manager of Human Resources and/or the CAO or the Mayor/Deputy Mayor, as applicable.
- f) The Town will endeavour to complete any investigation and communicate the results to the Complainant and Respondent within 90 days after the receipt of a Formal Complaint, where possible. In some cases, a Formal Investigation may take longer. For example, if there are more than five witnesses or one of the parties or a key witness is unavailable (such as on a leave of absence).

#### **4. Corrective Action**

- a) The Manager of Human Resources, the Director, the CAO and Council, as applicable, will determine what corrective action (if any) will be taken based on the Investigation Report. However, if the Formal Complaints involves the CAO as a Respondent, Council as a whole will determine the appropriate corrective action, if any.
- b) The Town will provide the Complainant and Respondent with a written summary of the Formal Investigation findings, including any corrective action that has been or will be taken.
- c) If an allegation is substantiated, the Town will take appropriate corrective action, regardless of the Respondent's seniority or position in the Town. The Complainant and Respondent will be advised as to what corrective action, if any, will be taken to prevent further incidents or breaches of the Code, but may not be provided specific details of any particular discipline that has been imposed.
- d) Corrective action may include one or more of the following:
- discipline, such as a verbal warning, written warning or suspension without pay;
  - termination with or without cause;
  - referral for counselling, diversity and inclusion training, anger management training, supervisory skills training, or attendance at educational programs on Respectful Workplaces;
  - a demotion or denial of a promotion;
  - reassignment or transfer;
  - financial penalties, such as the denial of a bonus or performance-related salary increase;
  - any other disciplinary action deemed appropriate under the circumstances; or
  - referral of the Respondent and Complainant to mediation if both parties agree to the process.



- e) If there is not enough evidence to substantiate the Formal Complaint, corrective action will not be taken. However, in circumstances where the Investigator determines that there has not been a breach of the Code but inappropriate behaviour has occurred, the Town reserves the right to take corrective action, as appropriate in the circumstances.

## **5. Allegations in Bad Faith**

- a) If an Employee makes a Formal Complaint in good faith and without malice, the Employee will not be subject to any form of discipline, regardless of the Investigation Report's findings.
- b) The Town will discipline, up to and including termination of employment, any Employee who files a complaint that is knowingly false, frivolous, vexatious, or malicious. If a breach of the Code is reported in bad faith with the intent to harm either the individual or the Town, the Employee may face disciplinary actions, including possible termination.

## **6. Commitment to Non-Retaliation**

- a) In the event that an Employee becomes aware of a breach of the Code or any illegal activity in the workplace, they have a responsibility to report that misconduct to their Supervisor, Manager, Director, Human Resources, or the CAO. There will be no discipline, dismissal, or retaliation for speaking up and making a truthful report of actual or potential misconduct, for participating in a Formal Investigation, or for exercising legal rights. Retaliation can include behaviour or actions that punish or deter someone from speaking up, such as unsubstantiated negative performance evaluations, creating a hostile work environment, harassment, demotion, dismissal, or assigning tasks with the intent to isolate or discourage someone.
- b) If an Employee encounters any form of retaliation, they must report it to a Supervisor, Manager, Director, Human Resources, or the CAO immediately. The Town is committed to investigating every claim of retaliation and to taking disciplinary action if necessary.