

## TOWN OF STETTLER

Prepared by: Employee Ethics Committee      Number: II-7(i)  
Adopted by: Town of Stettler Council      Original Policy: 1997 05 06  
Previous Policy: 1997 05 06  
Current Policy: 2001 07 17

Title:                      **Employee Code of Ethics**

Purpose:                      To assist the employee in making decisions about their day to day activities and the appearance of such decisions with respect to personal benefit.

General Statement:      Observe the highest ethical standards in the performance of their duties and shall put public interest above individual, group, or special interest and consider their occupation as an opportunity to serve society.

Policy Statement:      1. Outside Employment

A Town employee may take additional employment including self employment, unless this additional employment:

- a) Causes an actual or apparent conflict of interest;
- b) Is performed so that it appears to have been performed on behalf of the Town;
- c) Interferes with the performance of the employee's duties for the Town;
- d) Involves the use of Town facilities or equipment including telephones;
- e) Involves an activity related to this additional or self employment which is carried out during Town working hours;
- f) Involves activities which must be undertaken during business hours, in which case the employee must use vacation time, which will require approval.

2. Other Business Interest

- a) Employees shall declare all monetary interests which they hold in companies doing business with the Town of Stettler.

- b) Employees with monetary interests in any business will not be allowed to make decisions involving that business.

3. Business Dealings with Relatives

- a) Employees must not be involved in the awarding of contracts, approving business transactions, or providing permits to an immediate relative or that relative's business (spouse, common-law partner, parents, spouse's parents, common-law partner parents, children, brothers or sisters).

4. Misuse of Municipal Information

- a) Employees shall not use confidential or municipal information for personal gain.
- b) Employees shall not release sensitive and confidential information that may harm the Municipality.
- c) Employees shall not release sensitive and confidential information that may harm persons with whom the Municipality is dealing with and/or Town of Stettler Employees prior to the information becoming public, especially from:
  - I. In-camera meetings/pre-budget information.
  - II. Personnel Matters.
  - III. Negotiations to buy or sell Municipal property.
  - IV. Contract Negotiations.
  - V. Information received in confidence.

5. Criminal Offenses

- a) Employees charged and/or convicted with a criminal offense will have their employment reviewed by the Town Manager and may face suspension or loss of employment.

6. Acceptance of Gifts

- a) An Employee shall not use his or her position to obtain special advantages from any business the Town of Stettler is involved with.
- b) Employees shall not purchase items for personal use in the name of the Municipality.

- c) Employees of the Town shall not accept gifts, favors, or services from persons or organizations since to do so implies an imbalance in the impartiality which Town employees must demonstrate in their dealing with others except under the following circumstances:
  - I. The normal exchange of courtesies between friends or business associates;
  - II. The normal presentation of gifts to persons participating as speakers, resource persons, or volunteers for various functions or activities;
  - III. Courtesies extended to staff, as a group, as in the case of a supplier providing staff with a box of candy at Christmas.

7. Political Activity

- a) The Employee shall not actively campaign for a political candidate during working hours.
- b) Employees wishing to run for political offices may seek a leave without pay which shall be at the Town Manager's discretion.
- c) Employees elected to the Legislative Assembly, the House of Commons or Town of Stettler Municipal Council shall resign their position with the Town. Any Employees elected to a municipal office other than the Town of Stettler, School Board or Hospital Board shall not allow the interests of the elected body to conflict with the Town of Stettler.
- d) Employees shall not campaign for a person seeking office as a Councillor or Mayor.

8. Harassment in the Workplace

General

The Town of Stettler is committed to providing a harassment free work environment in which all individuals are treated with respect and dignity. Each individual has the right to work in a professional workplace which promotes equality of opportunity and which prohibits discriminatory practices.

**Harassment**, as defined in this section, is a form of conflict. There are other forms of workplace conflict, which while problematic for the workplace and requiring a management response, do not constitute harassment.

**Interpersonal conflict**, as defined in this section, is a form of conflict which does not constitute harassment but could lead to harassment. These conflicts should be addressed immediately by the employees involved. If the employees are unable to resolve their differences, they have a responsibility to report the matter immediately to their supervisor. This form of workplace conflict should be resolved through informal means without resorting to an investigation.

**Harassment** and **interpersonal conflict** in the workplace, as stated in this policy, applies while employees are at and away from their normal work site, during and after working hours as long as a link to work can be sufficiently established.

#### Prevention

Conflict, harassment and discrimination can be prevented by sustained commitment by Town Council, Department Heads, Supervisors and all employees, through education and training and firm and fair enforcement of this policy.

#### Definition

Whether conduct is considered conflict or harassment varies depending on the circumstances of a particular case. There is not a single exhaustive definition for either of these terms.

For the purpose of this policy, **harassment** is defined as any improper behavior by a person that is directed at, and is offensive to, another employee and which the person knew or ought reasonably to have known would be unwelcome. It comprises objectionable conduct, comment or display made on either a one-time or continuous basis that demeans, belittles or causes humiliation or embarrassment to an employee.

#### Harassment includes:

- a. conduct that is offensive which may include but is not limited to leering, degrading remarks, jokes or taunting, insulting gestures, displays of offensive pictures or materials, and unwelcome enquiries or comments about someone's personal life. The test of whether the conduct is offensive is what a reasonable person would find offensive;

- b. behavior that a reasonable person would have known to be unwelcome even though the perpetrator did not know;
- c. conduct that is physical, e.g. assault, contact, gestures, display of pictures, or verbal, e.g. threats, intimidation, verbal abuse, comments;
- d. harassment based on a prohibited ground under the Canadian Human Rights Act, e.g. race, national or ethnic origin, color, religion, age, sex, sexual orientation, marital status, family status, disability or conviction of which a pardon has been granted;
- e. sexual harassment which includes any conduct, comment, gesture, or contact of a sexual nature that might reasonably be expected to offend or humiliate any employee, or be perceived by the employee as placing a condition of a sexual nature on employment or on any opportunity for training or promotion. Sexual harassment is a form of discrimination based on sex that is prohibited by the Individual's Rights Protection Act (R.S.A. 1980, c.I-2); and
- f. abuse of authority which is the improper use of power and authority to endanger, undermine, threaten, interfere with, or influence an employee's job, the performance of that job, the economic livelihood of the employee, or the employee's career.

**NOTE:** It can include intimidation, threats, blackmail or coercion.

Harassment, on any grounds, is unacceptable and prohibitive behavior and will **not** be tolerated by the Town of Stettler because:

- (i) such conduct undermines another individual's personal dignity by causing embarrassment, discomfort, humiliation or offence; or
- (ii) such conduct interferes with an individual's work performance by creating an intimidating or hostile work environment; or
- (iii) submission to such conduct is made either explicitly or implicitly a term or condition of employment or of professional services.

- (iv) submission to or rejection of such conduct affects decisions regarding that individual's employment, including matters such as promotion, salary, benefits, and job security.

The proper use of authority by a Department Head responsible for such functions as performance appraisals, counseling, discipline and training and the proper enforcement of Town standards, does not constitute harassment. Any staff member dissatisfied with the exercise of authority should deal with their concerns through other available means as stated in the Collective Agreement or Policy Manual.

For the purpose of this policy, **workplace conflict** means interpersonal conflict arising between two or more employees through a broad category of communication and personal issues. Common workplace conflicts, which do not constitute harassment, may be based on differences in expectations, misunderstandings, prolonged thoughtlessness, poor communications and personality conflicts.

The Town of Stettler does not intend to constrain social interaction among members of the staff with this policy.

#### Individuals Covered by this Policy

The Town of Stettler also acknowledges its responsibility to support and assist any employee of the Town of Stettler who is subjected to harassment by taxpayers, suppliers, or elected officials that occurs as a result of carrying out their day-to-day duties.

#### Confidentiality

The Town of Stettler recognizes the difficulty of reporting any harassing behavior, and understands that confidentiality is important to complainants.

Confidentiality will be maintained throughout the complaints procedure as far as possible, and information relating to the complaint, including the identity of the parties involved, will be disclosed only to the extent necessary to investigate the complaint.

### Reporting of Complaints

Harassment is both a violation of law according to the Canadian Human Rights Act and Provincial Individual Rights Protection Act and also a violation of the Town of Stettler Employee Code of Ethics Policy. As such, harassment will be treated as an **extremely serious matter**.

The Town of Stettler encourages reporting of all incidents of harassment, regardless of the identity of the alleged harasser.

Employees who have experienced harassment are encouraged to:

- a) keep a record of the incident(s) complained of;
- b) if practicable, advise the offender that his/her behavior is unacceptable and unwelcome;
- c) promptly report the incident(s) to your immediate Supervisor unless he/she is the harasser in which case it should be reported to the Town Manager or Mayor of the Town of Stettler.
- d) Formal complaint(s) must be in writing.

This policy does not preclude the reporting of sexual harassment complaints to the Alberta Human Rights Commission, or if the matter is perceived to be of a criminal nature, to the police.

A person committing or a Department Head or supervisor knowingly permitting any such infraction may be subject to disciplinary measures.

### Resolution of Complaints

The process to resolve complaints will start with the appointment of an Advisor by the Town Manager or the Town Manger may serve as the Advisor. If the complaint relates to the Town Manager, the Town Council will appoint the Advisor who will report to the Mayor.

After an Advisor has interviewed the complainant, the alleged harasser, and any individuals able to provide relevant information the Advisor will:

- a) Attempt to resolve the complaint in an informal manner (eg. through mediation with both parties), if practicable having regard to all of the circumstances.
- b) If informal resolution fails or is impractical in the circumstances, the Advisor will turn over all relevant information, reports, etc. to the Town Manager. If the complaint relates to the Town Manager then the Advisor will turn over all relevant information, reports, etc. to the Mayor of the Town of Stettler.

Substantiation of the complaint by the Town of Stettler shall include consultation with the Town's solicitor and providing the alleged harasser with a fair opportunity to respond to the complaint.

The Town of Stettler may impose appropriate disciplinary measures, in accordance with this policy, for any substantiated complaints.

If the harasser has been disciplined, the relevant documentation will be retained in his or her personnel file. If the investigation fails to disclose evidence to support the complaint, no record of the complaint shall be retained in the alleged harasser's file.

If the complaint is filed in good faith, no documentation will be placed in the complainant's file, regardless of the outcome. However, if the investigation reveals evidence of a complaint being made in bad faith, the complainant will be appropriately disciplined, and the documentation will be retained in his or her file.

#### Protection Against Retaliation

Each employee has the right to have any incident of conflict or harassment dealt with in a prompt, fair, confidential, impartial and sensitive manner without fear of retaliation.

The Town of Stettler will not retaliate against an individual who reports harassment, nor permit any employee, taxpayer, supplier, or elected official to do so. Retaliation against the individual:

- a) for invoking this policy on their own or on another person's behalf; or
- b) for participating in or cooperating with an investigation under this policy; or

c) for associating with a person who has invoked this policy,

will be treated as harassment, and will be subject to the same disciplinary measures.

Retaliation in any form against a complainant or a witness in a harassment complaint is an offence under the Canadian Human Rights Act.

9. Penalties and Appeals

This Code of Ethics is an integral part of an Employee's terms and conditions of employment. Failure by an Employee to comply with this code will result in corrective and/or disciplinary action being taken by the Town of Stettler. This may include a reprimand, suspension or dismissal.

When an Employee feels the corrective and/or disciplinary action taken by the Employer is excessive or unjust, the Employee may:

- grieve the action through the normal procedure in the respective Collective Agreement for bargaining unit members.
- appeal the decision and for non-union Employees the appropriate sections of the current Collective Agreement would be used for guidance purposes.

**Town of Stettler**

Sample Complaint Form

I \_\_\_\_\_, working as \_\_\_\_\_ at \_\_\_\_\_,  
(name of complainant) (position) (name of firm)

\_\_\_\_\_, believe that I have been harassed by \_\_\_\_\_,  
(address of firm) (name of harasser)

working at \_\_\_\_\_, \_\_\_\_\_, in contravention  
(name of firm) (address of firm)

of the Town of Stettler Employee Code of Ethics Policy II-7(i).

The addresses, dates and further particulars of the incident(s) are as follows:

Signed at \_\_\_\_\_ on \_\_\_\_\_  
Town Date

\_\_\_\_\_  
Complainant's Signature

\_\_\_\_\_  
Complainant Print Name

Names & Signatures of witnesses of any of the above incidents

\_\_\_\_\_  
Print Name

\_\_\_\_\_  
Signature

\_\_\_\_\_  
Date

\_\_\_\_\_  
Print Name

\_\_\_\_\_  
Signature

\_\_\_\_\_  
Date