

Section 4.2

Code of Ethics

Why is an administration's integrity so important?

In any level of government, the public's perception is critical to its reputation. Nothing can be more important to a public administrator or administration than the public's opinion about their personal integrity, honesty and truthfulness. It overshadows all other values of an administrator, including competence, experience and expertise. Any individual within an administration or the administration itself which compromises its integrity can damage the ability of the agency to perform its tasks or accomplish its mission. The organization's effectiveness and efficiency would be impaired and careers can be destroyed.

A Code of Ethics provides a focus on the highest ethical standards for a municipality.

The importance of maintaining a high ethical standard in a municipality cannot be understated. This is not to imply that a code of ethics is required by all municipalities, because many organizations and municipalities have been able to maintain a high ethical standard without an adopted code of ethics. However, a code of ethics does provide some important functions to an organization, including:

- it is a recognition by the organization that ethical behaviour is expected by all of its members
- it can foster an environment in which ethical behaviour is the norm
- it serves as a guide or reminder of specific and generalized situations
- the process of developing a code of ethics can provide an invaluable forum for discussion
- it is an indication to the public that the organization is seriously concerned and responsible to the conduct of its members
- it provides the means to increase ethical sensitivity and judgement, strengthen support for individual's moral

Model Code of Ethics Policy

Developing a Code of Ethics for your municipality.

courage to “do the right thing”

- it helps an organization hone its sense of identity.

Due to the variety of organizations, associations and levels of government which have developed their own code of ethics, there can be a wide variation in style, substance and application. Attached to this section is a model code of ethics for municipalities, as developed by the Maritime Municipal Training and Development Board. This model may be adopted by a municipality or it may form the basis for a municipality to develop a code of ethics specific to their situation.

If a municipality wishes to develop their own code of ethics or modify the attached model code of ethics policy, consideration should be given to a variety of issues. This exercise, should include representation from all or most departments within the municipality, ranging from managers to line workers. This forum should foster a healthy discussion on ethics and encourage the review of all of the major issues. As a consequence, the discussion and formation of a municipality’s own Code of Ethics is more likely to be more beneficial than just distributing a set or predetermined policy itself. Some of the items for these discussions should respond to, but should not be limited to the following points:

- public employees are trustees for all people and there is an expectation that public employees should act as surrogates for the public with fairness toward all and not to a few or a limited group
- avoid any interest or activity which is in conflict with official duties or job responsibilities
- avoid frequent social contact with persons who come under the municipalities regulation or persons who sell products or services to the municipality
- serve in such a way that the employee does not realize undue personal gain from the performance of official duties, a public servant should not borrow or accept gifts from the staff of any corporation which buys services from or sells to or is regulated by the

municipality

- practice the golden rule: doing to and for others what you would want to have done for you in similar circumstances
- guard the public purse as if it were your own
- public property, funds and power should never be used for personal gain
- make it clear you will not tolerate any use of municipal funds or property for the personal gain of any municipal employee or elected official
- a “whistle blower” who appears to be disloyal to his/her immediate supervisors, may be loyal to the higher interests of the public, in which case the “whistle blower” deserves support
- be sure that answers to public inquiries are complete, understandable and true
- respect and protect privileged information to which municipal employees have access in the course of their official duties
- every decision creates a precedent, so the first decision should be ethically sound
- employment programs should assure equal employment opportunity in terms of recruitment, selection and advancement of qualified persons from all elements of society
- discrimination based on race, colour, religion, sex, national origin, political affiliation, physical disabilities, age or marital status in all aspects of personnel policy should not be tolerated
- harassment in any sexual, racial or religious nature should not be permitted, in the event such offense

**Code of Ethics
tailored for your
municipality.**

occurs, appropriate action should be taken

- exercise whatever authority there is under the law to promote the public interest
- to knowingly ignore something which is known to be ethically questionable is as ethically wrong

After discussing the various ethical issues, the next step is to translate them into a clear and concise set of policy statements, which are easily understandable to the employees, elected officials and the public. The final set of policies should cover the majority of ethical issues facing municipal employees and officials. As with all major policy statements, it is advisable to have them reviewed by the municipality's solicitor, before sending them to council for review and adoption.

Upon the final adoption of the policy statements, there should be a concerted effort to distribute them to all municipal employees and officials. A seminar for managers and employees may be worthwhile as it would provide a forum to review the contents of the policy and respond to any questions on the material. The Code of Ethics should be part of their information package given to new employees when they commence work at the municipality.

Concluding, a formal adopted Code of Ethics for a municipality would indicate to the public that the municipality is seriously concerned and responsible to the conduct of its employees and officials.

CODE OF ETHICS POLICY

The following policy has been reprinted by permission of Maritime Municipal Training and Development Board. Copies of this policy as well as a host of other policies which are applicable to municipal government are available from the Maritime Municipal Training and Development Board (MMTDB) on a diskette. Please check their website at www.munisource.org or contact them at:

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Code of Ethics Policy

It is the policy of the Municipality of _____ to ensure that municipal employees:

- a. are aware of what constitutes a conflict of interest or breach of trust
- b. are aware of the level of conduct and integrity which is expected of municipal employees

1.0 Specific Objectives

- 1.1 The objectives of this policy are to:
 - a. provide municipal employees with guidelines for identifying potential conflicts of interest and breaches of trust

Objectives of Code of Ethics Policy

**Council review
and approval of
Code of Ethics**

- b. help ensure that municipal employees do not place themselves, or permit themselves to be placed, in a position which would constitute a conflict of interest or breach of trust
- c. promote high standards of professional conduct and values among municipal employees

2.0 Responsibilities

2.1 The Council (or its designated committee) will:

- a. review the municipality's Code of Ethics Policy as required and make any amendments considered appropriate
- b. review, consider or take other action concerning any violation of the municipality's Code of Ethics Policy which is referred to Council by the Chief Administrative Officer, or raised by a member of Council during the course of Council discussions

Where there is any conflict between the policies adopted by the Municipality of _____ and the policies set forth in the appropriate collective agreement, or policies set forth in a statute of the provincial or federal government, collective agreements or the provincial or federal statute shall supersede such other policies.

2.2 The Chief Administrative Officer (or designate) will:

- a. implement, administer and promote the Code of Ethics Policy
- b. ensure that department heads promote the ethical standards expressed within the Code of Ethics Policy to their employees

**CAO s role in
the application
of the Code of
Ethics**

**Manager s role
in the
application of
the Code of
Ethics**

- c. recommend amendments to the Code of Ethics Policy to Council
- d. investigate and review any reported violation of the Code of Ethics Policy and approve and/or administer any subsequent corrective action

2.3 Department heads will:

- a. ensure that all employees of their department are familiar with the municipality's Code of Ethics Policy
- b. advise the Chief Administrative Officer of any perceived violation of the Code of Ethics Policy by a member of staff, and institute appropriate preventative or corrective action
- c. recommend to the Chief Administrative Officer any changes to the Code of Ethics Policy which are considered appropriate

**Municipal
Employees and
Public Officials
responsibilities**

2.4 Responsibilities of Municipal Employees and Officials

- a. Municipal employees and public officials are agents of the public whose primary objective is to address the needs of the citizens. As such, they are entrusted with upholding and adhering to the bylaws of the municipality as well as all applicable federal and provincial laws. As public servants, they must observe a high standard of morality in the conduct of their official duties and faithfully fulfill the responsibilities of their offices, regardless of their personal or financial interests.

**Public s
Interest**

- b. Dedicated Service: All officials and employees of the municipality should faithfully work towards developing programs to address the needs of its citizens. In the course of their duties, officials and employees should strive to perform at a level which is expected of those

Confidentiality

who work in the public's interest.

- c. Employees should not exceed their authority, breach the law, or ask others to do so, and should work in full co-operation with other public officials and employees, unless prohibited from doing so by law or by formally recognized rules of confidentiality.

Appointments

- d. **Soliciting Appointments:** Soliciting members of Council directly or indirectly in order to obtain preferential consideration in connection with any appointment to the municipal service will disqualify the candidate from further consideration for the appointment.

Use of Public Property

- e. **Use of Public Property:** No employee shall request or permit the use of municipal-owned vehicles, equipment, materials, or property for personal convenience or profit, except where such privileges are granted to the general public.

Obligations to Citizens

- f. **Obligations to Citizens:** No employee shall grant any special consideration, treatment, or advantage to any citizen or group of citizens beyond that which is accorded to all citizens.

Conflict of Interest

- g. **Conflict of Interest:** No employee, whether paid or otherwise, shall engage in any business transaction or have a financial or personal interest, direct or indirect, which is incompatible with the proper discharge of their official duties or would impair their independence of judgement or action in the performance of their official duties. Personal interest, rather than financial, includes any interest arising from family or marriage relationships or close business or political associations. The following are situations which constitute conflicts of interest for municipal employees:

- **Incompatible Employment:** No employee shall engage in or accept private employment or render services for private interests when such employment or services are incompatible with

the proper discharge of their official duties or would impair his/her independence of judgement or action in the performance of his/her official duties.

- Disclosure of Confidential Information: No employee shall, without proper legal authorization, disclose confidential information concerning the property, government, or affairs of the municipality; nor shall he/she use such information to advance the financial or personal interest of him/herself or others.
- Gifts and Favours: In keeping with established private-public business practices, no employee shall show favouritism or bias toward any vendor, contractor, or others doing business with the municipality. Employees are prohibited from accepting gifts or favours from any vendor, contractor or others doing business with the municipality that would tend to influence them in the proper discharge of their official duties.
- Representing Private Interests before a Municipal Agency: No employee whose salary is paid in whole or in part by the municipality shall appear on behalf of private interests before any agency or court of the municipality without the consent of the Chief Administrative Officer. The employee shall not represent private interests in any action or proceeding against the interests of the municipality or in any litigation to which the municipality is party. Furthermore, no employee shall accept compensation or a retainer which is conditional upon the actions of a municipal agency.

- Contracts with Municipalities: No officer, agent or employee of the municipality shall have any interest, direct or indirect, in any legal municipal contract issued by him/her or by any public committee, board, commission or department of which they are a member, agent, or employee.

However, an officer, agent, or employee of the municipality may enter into a legal contract with the municipality or any agency thereof for the sale and purchase of supplies, materials, or equipment or for the construction of public improvements if:

- they are not authorized by law to act on behalf of the municipality or any agent thereof in the awarding of the contract the tender is let in a written, public, and openly competitive manner all bids received and all documents pertaining to the awarding of the contract are made available for public inspection for at least three (3) months following the date of the awarding of the contract.
- Disclosure of Interest: Any municipal employee who has a financial or personal interest in any proposed Council legislation, and who participates in discussion with or gives an official opinion to Council, shall disclose on the records of Council the nature and extent of the interest.

- h. Political Activity: No employee of the municipality shall perform work, either volunteer or paid, on behalf of any political party during his/her hours of employment with the municipality.

**Protection of
Whistle Blowers****3.0 Reporting Breaches of this Code**

- 3.1 Employees who have reason to believe that this Code of Ethics Policy has been breached in any way are encouraged to bring their concerns to the Chief Administrative Officer. No adverse action shall be taken against any employee who, acting in good faith, brings forward such information.

**Corrective
Action****4.0 Corrective Action**

- 4.1 Violation of this Code of Ethics Policy by a municipal employee may constitute a cause for corrective action. Any reported violation of this policy will be subject to investigation by the Chief Administrative Officer and/or Council. If an investigation finds an employee guilty of a breach of the Code of Ethics Policy, the corrective action pursued against the employee shall be commensurate with the nature and severity of the violation.

5.0 Revisions

- 5.1 The municipality's Code of Ethics Policy and/or the sections contained therein will be reviewed and amended by Council, in consultation with the Chief Administrative Officer, as required.

6.0 General

- 6.1 When administering this policy, employees must adhere to any provincial Acts governing municipalities and all relevant legislation pertaining to the subjects covered in this policy. The administration of this policy is further subject to the provisions of applicable collective agreements for unionized municipal employees.

Maritime Municipal Training and Development Board

The Maritime Municipal Training and Development Board (MMTDB), located at Dalhousie University in Halifax, Nova Scotia, Canada was established by the provinces of Nova Scotia, New Brunswick and Prince Edward Island, through the Council of Maritime Premiers in 1974. Although the agency's operations and focus have constantly adapted to changing times, its primary mandate remains that of improving municipal governance and service delivery. The MMTDB is recognized in Canada for the key role it has played in providing for municipal training and distance education programming, for the development of decision making resources, and for improving information sharing and professionalism in the Municipal Public Service. The agency's legacy of pro-active involvement with stakeholders over a 24 year period includes the creation of better-trained, highly skilled, and more knowledgeable municipal government decision makers.

The MMTDB has promoted the Internet as an important decision making resource for municipal government since 1990. Its information web site WWW.MUNISOURCE.ORG was developed "in-house" as a vehicle for municipal government networking and as an "Internet doorway" for on-line education. The significant level of interest, world-wide, in MUNISOURCE has served to provide the agency with a growing international reputation as an important municipal government information provider. More than 5000 municipalities in 44 countries are now linked through MUNISOURCE, and the numbers grow daily.

Pioneering innovative approaches to municipal decision making needs, avoiding duplication of effort, and sharing scarce resources through meaningful partnerships to meet common goals, are MMTDB traditions which continue to guide the agency's work.