

Code of Conduct Development

September 18, 2002

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1 Introduction

During the past six years, the City has experienced major changes in leadership, technology and work practices. As the corporate environment is stabilizing, the need to formalize and revisit policy issues has become a priority. Accordingly, in the fall of 2000, the City Manager and the City Auditor agreed to jointly sponsor a project to develop a new Code of Ethics to address those concerns.

The project was designed to involve a significant cross-section of employees both as members of the project team and through focus groups. The purpose of the project was to clarify expectations of employees and provide guidelines for consistent behaviour in delivery of services. The underlying philosophy of this project was that a clear definition of the values and ethical considerations that are required of employees helps them maintain the highest levels of professional and personal conduct.

As the project developed, there was consensus among the project team, the Coalition of Edmonton Civic Unions, focus group participants, and Senior Management Team that the current corporate culture would most strongly support a Code of Conduct stated in positive terms. Senior Management Team adopted the new Administrative Directive A1100C, Code of Conduct on June 27, 2002 (Appendix 1).

2 Background

The review of the Code of Ethics Policy was required in response to two events that transpired in 2000.

Office of the Information and Privacy Commissioner Report

The Office of the Privacy Commissioner received a privacy complaint relating to an incident at the Kinsmen Sports Centre. After an extensive investigation, the response from the Commissioner's Office regarding the complaint recommended that:

- the City's "Code of Ethics" be changed to reflect the responsibilities and requirements of the FOIP Act.
- the City of Edmonton develop policies or procedures regarding confidentiality or restriction on disclosure of information obtained by civic employees in the performance of their issues.

The City of Edmonton 1999 Annual Report – Audit Observations

On an annual basis, the City's external auditor conducts an audit of the City's financial statements and high-level management controls. KPMG conducted the 1999 review with an increased focus on the identification of matters to assist in the successful management of the City. The final report of the 1999 audit provided the following recommendations:

- The City should consider establishing a formal policy whereby all key employees sign annual declarations indicating that they have read, understood and have complied with all City Policies, Codes of Ethics and Professional Conduct.

- IT management should develop an end user computing policy in accordance with best practices and communicate to all members of staff. This could be developed in conjunction with the security policy.

The Administration accepted these recommendations and worked with the Office of the City Auditor to develop a process that would encourage widespread buy-in to the revisions by all stakeholders. This Code of Conduct is a complete rewrite of the previous Employee Code of Ethics and is intended to present the City's positive expectations of Employees as they conduct their duties. The rewrite was designed to incorporate the principles of two corporate strategies:

- Corporate Values and Expectations for Employees
We value Integrity and Ethics
We demonstrate our values by Behaving Ethically
- the annual PCP process
Behaves Ethically
Knows and lives up to the City's values and Code of Ethics
Acts responsibly to protect the City's assets
Gives best efforts on the job
Takes responsibility and ownership for decisions

Cooperative effort

Reference to the co-operative approach in development of this policy is contained in the Office of the City Auditor 2001 Annual Work Plan and also described in Bylaw 12424, City Auditor, Paragraph 22:

- The City Auditor and the City Manager will cooperate in development of a fraud policy and a code of ethics policy for the City of Edmonton.

Process methodology

The process used to develop the Code of Conduct included participation by every City Department, Union representatives, and those with subject matter expertise on an inter-departmental team and focus groups with employees from all parts of the organization. Substantial work was done in researching best practices and legal requirements and attempting to incorporate them into a document that is designed to meet the needs of City Employees. The following steps were undertaken:

- A cross-departmental project team was established in spring of 2001.
- The team re-drafted the code based on initial feedback from Department Management Teams.
- City staff reviewed this draft in focus group sessions held throughout the organization. A cross-section of all unions, employees and management staff were consulted with over 150 individuals participating in total.

- Comments from the focus group sessions and Department Management Teams were then categorized into themes and incorporated into the policy document by project team members.

The intent of the project team in developing this revision was to present a new Code of Conduct for City Employees that would encourage positive behaviours, be easily understood, and be prominently displayed at places of work throughout the Corporation. The resulting Code of Conduct embodies eight principles that were identified by employees, unions, and managers as those areas of most significant concern. Attachment 1 is the full text of the SMT-approved Administrative Directive and the statement of principles.

3 Observations and Conclusions

One of the major challenges faced in this project was obtaining buy-in from all stakeholders. By involving a diverse group of people from early in the project and continuing their involvement throughout the project, employee, union, and management concerns received appropriate attention during development of the new Code of Conduct. The resulting Code of Conduct (Attachment 1) is designed to communicate positive ethical behaviour to City of Edmonton employees in addition to reflecting current issues and trends in the broader environment. The success of this approach was demonstrated by the willingness of both SMT and the Coalition of Edmonton Civic Unions to support the final version of the administrative directive.

The new Code of Conduct incorporates eight principles that were identified as significant concerns by employees and managers in a plain-language format to enhance understanding at all levels of the organization. Some of the other key improvements over the previous Code of Ethics are:

- *Personal Conduct* – There was strong support for including a principle that encourages positive behaviours in the workplace.
- *Responsibilities* – Responsibilities have been aligned with a bottom-up approach instead of top-down.
- *Quarterly Reporting* – Quarterly reports will be submitted to the City Manager by departments. Reports will include details of suspected violations, and the departmental follow-up.
- *Role of the City Auditor* – Responsibilities for the City Auditor have been changed to implement much stronger consultative, investigative, and support roles with the City Manager.

KPMG, the City's external auditor, reviewed the new Code of Conduct directive, praising the extensive employee input, saying that staff buy-in is a key to success and no other Canadian municipality has sought this level of feedback on their codes of conduct. The reviewer also stated that the current leading edge codes of conduct are value-driven whereas the City's is consequence-driven. However, City staff and management were clearly united in wanting clear, concrete direction rather than potentially ambiguous value statements.

There was a general consensus that staff would benefit from additional resources to help them interpret the Code of Conduct in their particular circumstances. In response to that defined need, a supplementary guideline booklet is currently under construction. It is intended to articulate situations and issues that may help clarify and resolve questions before they become problems. Posters (similar to the Working Relationship Agreement) listing the eight principles will be supplied to all departments and posted at work sites throughout the Corporation.

The next step is to begin the corporate roll out of the new Code of Conduct. Senior Management Team and the Coalition have agreed that educating all City staff is critical to the long-term success of this initiative. After examining alternative approaches to training and education, the Administration has agreed that the roll out will incorporate a variety of communications approaches:

- providing each employee with a copy of the Code of Conduct guideline booklet (it will contain case studies related to daily activities, an outline of the process to be used for reporting, statement of the eight principles, interpretive guidelines, and the administrative directive)
- providing the eight principles in poster form to workplaces (in a design similar to the WRA agreement)
- holding large-group dialogue sessions with management staff
- holding meetings with Department management teams
- producing a 10-minute video for use by trainers and supervisors
- guiding supervisors and trainers in the use of the video presentation and in obtaining signed declarations from all employees
- discussing emerging issues with trainers and supervisors with appropriate follow-up to employees (for example, posting responses to common questions on a Web site or City LINK)

With completion of the new administrative directive, the Office of the City Auditor's involvement in this phase of the project has concluded. We appreciated the opportunity to work with the Coalition and the Administration in bringing this effort to a mutually successful conclusion.

The OCA will continue to be involved in investigations into suspected Code of Conduct violations as appropriate. In the majority of instances, such violations are best handled by the Administration. There are instances, however, of particular types of violations (those that require computer forensic investigations, those that employees are not comfortable discussing with a supervisor, those for which management wants an independent investigation, etc.) for which the OCA's involvement will be required. The relationship described between the City Manager and City Auditor detailed in this new administrative directive will ensure that efforts are not duplicated unnecessarily. It will also ensure that appropriate methodologies are used to ensure that the results of investigations by either the Administration or the OCA are defensible and, as required, provide sufficient evidence to support appropriate disciplinary action.



Administrative Directive

Attachment 1

DIRECTIVE NUMBER: A1100C

REFERENCE:

SMT June 27, 2002

ADOPTED BY:

City Manager

SUPERSEDES:

A1100B

PREPARED BY: Corporate Services / Office of the City Auditor

DATE: June 27, 2002

TITLE: CODE OF CONDUCT

Directive Statement:

Employees must perform their duties in an impartial and responsible manner that maintains and enhances public confidence and trust.

Attachment A is the Code of Conduct to be followed by all Employees.

The purpose of this directive is to:

Establish principles for appropriate conduct in the work place by Employees in the discharge of their duties.

Code of Conduct Procedures

Preamble

Employees must act in accordance with the Code of Conduct. If there are questions about appropriate application of the Code of Conduct to any situation, Employees should ask their supervisor(s) for interpretation or clarification. Guidance may also be sought from the Human Resources Branch.

1. DEFINITIONS

- 1.1. **City Assets** includes all property of the City including equipment, financial assets, land, vehicles, material, computers, electronic mail, internet services, information, and work time.
- 1.2. **Conflict of Interest** arises whenever an Employee's personal or professional activities negatively impact the best interests of the City.
- 1.3. **Electioneering** means to work for the:
 - a) election of a candidate or party in connection with any form of elected office; or
 - b) promotion of a cause in connection with any issue.
- 1.4. **Employee** includes an individual employed by the City, including those employed on a personal services contract, but not including elected officials or their assistants.
- 1.5. **FOIP Act** means the Freedom of Information and Protection of Privacy Act, R.S.A. 2000, c. F-25, as amended from time to time.
- 1.6. **Other Employment** is the performance of duties for another employer, including self-employment, or work for charitable or volunteer organizations, which results in receiving or being eligible to receive profit, the payment of compensation, or other benefit from that employer.
- 1.7. **Personal Information** is defined in s. 1(1)(n) of the FOIP Act and is recorded information about an identifiable individual, including, but not limited to, the individual's name, home or business address or home or business telephone number, the individual's race, national or ethnic origin, colour or religious or political beliefs or associations, the individual's age, sex, marital or family status, information about the individual's educational, financial, employment or criminal history, anyone else's opinions about the individual, etc. For a complete list, see s. 1(1)(n) of the FOIP Act.
- 1.8. **Political Activity** includes activities to:
 - a) raise and contribute money to campaigns with an aim to advance any individual's or group's interests; and
 - b) campaign for an individual, group or furtherance of any issue.

2. RESPONSIBILITIES

- 2.1. **Employees** are responsible for:
 - a) Signing a document acknowledging receipt of the Code of Conduct, and
 - b) Reading and complying with the Code of Conduct and requesting clarification from their supervisor(s) as required, and
 - c) Requesting clarification about any potential violation of the Code of Conduct, including Conflict of Interest, and obtaining approval from the General Manager if required, and

- d) Disclosing, in writing, to their General Manager any current personal, business, commercial or financial interest which may result in a violation of the Code of Conduct, or a Conflict of Interest, and
 - e) Reporting suspected violations of the Code of Conduct to their supervisor(s) or their General Manager or the City Manager or the City Auditor, and
 - f) Co-operating with those performing an investigation.
- 2.2. **Supervisors** are responsible for:
- a) Assisting Employees in the administration, interpretation and application of the Code of conduct, and
 - b) Reporting any alleged violations of the Code of Conduct to their immediate supervisor or their General Manager or the City Manager or the City Auditor.
- 2.3. **Corporate Services Department** is responsible for:
- a) Assisting Departments and Employees in the administration, investigation, interpretation and application of the Code of Conduct, and
 - b) Submitting a quarterly report to the City Manager, itemizing all reported alleged violations including department follow-up.
- 2.4. **General Managers** or their designates are responsible for:
- a) Each employee receiving a copy of the Code of Conduct, and
 - b) The consistent administration of the Code of Conduct within their department, and
 - c) Documenting and retaining any approvals, decisions or directions given to Employees, and
 - d) Reporting any alleged violations of the Code of Conduct to the City Manager; and
 - e) Investigating any alleged violations of the Code of Conduct, and
 - f) Reporting status and results of investigations to Corporate Services Department on a quarterly basis.
- 2.5. **City Auditor** is responsible for:
- a) Investigating any alleged violations of the Code of Conduct as requested by the City Manager, and
 - b) Consulting with the City Manager when an alleged violation of the Code of Conduct is received, and
 - c) Notifying the City Manager of complaints received by the Office of the City Auditor.
- 2.6. **City Manager** is responsible for:
- a) The consistent administration and communication of the Code of Conduct by Departments, and
 - b) Notifying the City Auditor of complaints received by the City Manager.

3. WHEN A VIOLATION IS REPORTED

- 3.1. The identity of the complainant will be kept confidential, except as allowed by the FOIP Act.
- 3.2. No retaliation will be tolerated where reporting of a potential violation of the Code of Conduct is made in good faith.
- 3.3. If retaliatory action occurs, the employee should report the action to their supervisor(s) or their General Manager or the City Manager or the City Auditor.
- 3.4. Knowingly submitting a false report will be subject to disciplinary action in accordance with the Policy A1102, Discipline of City Employees.

- 3.5. Employees violating the Code of Conduct will be subject to disciplinary action in accordance with Policy A1102, Discipline of City Employees and may also be prosecuted criminally, and may also be subject to civil proceedings.

Code of Conduct

Personal Conduct

We will perform our duties with honesty and integrity and in a manner that is helpful, respectful and courteous. We will not behave in a manner that could result in a Conflict of Interest.

City Assets

We will use and permit the use of City Assets only for the performance of City duties or as approved by our supervisor. We will safeguard and protect City Assets. We will not use any City Assets, including e-mail and internet services, if the use could be offensive or inappropriate.

Disclosure of Information

We will only collect, use, and disclose information in accordance with the Freedom of Information and Protection of Privacy Act (FOIP Act) and only for the purpose of carrying out City duties.

Personal Gain or Benefit

We will remove ourselves from any decision process that may result in a personal gain or benefit. We will use information collected by the City for purposes consistent with the use for which it was collected. When we have access to confidential information relating to any competition open to the public, we are ineligible to compete.

Gifts and Gratuities

We will not accept or provide any gift, benefit or favour in exchange for special consideration or influence, or where it may be perceived to be in exchange for special treatment.

Appearances before Council

We will not appear before City Council, or its committees or boards, on matters affecting an external organization, if we have any involvement that could be considered a Conflict of Interest.

Other Employment

We will only engage in Other Employment that does not conflict with our City duties or the Code of Conduct, or that puts us in competition with services provided by the City.

Political Activity

We must not engage in any Political Activity or Electioneering during normal working hours or at our place of work, without written permission of our General Manager.