



CITY OF VANCOUVER CORPORATE POLICY

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| SUBJECT: Code of Conduct | |
| CATEGORY: Employment | POLICY NUMBER: AE-028-01 |

PURPOSE

To set minimum expectations for the behaviour of staff in carrying out their functions.

SCOPE

All City Staff, including political staff.

DEFINITIONS

Advisory Body Member: a person sitting on an advisory committee, task force, commission, board, or other Council-established body.

Confidential Information: Confidential Information is information that could reasonably harm the interests of individuals or organizations, including the City of Vancouver, if disclosed to persons who are not authorized to access the information.

Council official: the Mayor and Council members

Staff: an employee or contract employee of the City of Vancouver, and includes staff that supports Advisory Bodies.

POLICY STATEMENTS

1 Key Principles

- 1.1 **Integrity:** Staff are keepers of the public trust and must uphold the highest standards of ethical behaviour. Staff are expected to:
- make decisions that benefit the community;
 - act lawfully and within the authorities of the Vancouver Charter; and
 - be free from undue influence and not act, or appear to act, in order to gain financial or other benefits for themselves, family, friends or business interests.
- 1.2 **Accountability:** Staff are obligated to answer for a responsibility that has been entrusted to them. They are responsible for

the decisions that they make. This responsibility includes acts of commission and acts of omission. In turn, decision-making processes must be transparent and subject to public scrutiny; and proper records are kept and audit trails are in place.

- 1.3 **Responsibility:** Staff must act responsibly, within the law and within the authorities of the Vancouver Charter. They are to observe the Code of Conduct. This means disclosing actual or potential conflict of interest relating to their public duties and taking steps to resolve the conflict for the protection of the public interest; following the letter and spirit of policies and procedures; and exercising all conferred power strictly for the purpose for which the powers have been conferred.
- 1.4 **Leadership:** Staff must demonstrate and promote the key principles of the Code of Conduct through their decisions, actions and behaviour. Their behaviour must build and inspire the public's trust and confidence in local government.
- 1.5 **Respect:** Staff must conduct public business efficiently, with decorum and with proper attention to the City's diversity. They must treat each other and others with respect at all times. This means not using derogatory language towards others, respecting the rights of other people, treating people with courtesy and recognizing the different roles others play in local government decision making.
- 1.6 **Openness:** Staff have a duty to be as open as possible about their decisions and actions. This means communicating appropriate information openly to the public about decision-making processes and issues being considered; encouraging appropriate public participation; communicating clearly; and providing appropriate means for recourse and feedback.

2 General Conduct

- 2.1 Staff must adhere to the key principles and provisions of the Code of Conduct.
- 2.2 Staff must act lawfully and within the authorities of the *Vancouver Charter*, and exercise a reasonable degree of care and diligence in carrying out their functions.
- 2.3 Staff have an obligation to consider issues consistently and fairly.
- 2.4 Staff must avoid behaviour that could constitute an act of disorder or misbehaviour. Specifically, staff must avoid conduct that:
 - Contravenes the law, including the BC Human Rights Code, the *Vancouver Charter*, City By-laws, associated regulations, and City policy;

- Is an abuse of power or otherwise amounts to discrimination, intimidation, harassment, verbal abuse, or the adverse treatment of others;
 - Prejudices the provision of a service or services to the community.
- 2.5 When making decisions, staff must consider all relevant facts, opinions and analyses of which they should be reasonably aware.
- 2.6 Staff are obliged to question any request to act or make a decision that they think may be unethical or unlawful.
- 2.7 Staff must carry out duties in a manner that allows City Council members and the public to remain informed about local government activity and practices.
- 2.8 Should there be uncertainty about the ethical issues around a conduct or decision, staff should consider the following:
- Is the conduct or decision lawful?
 - Is the conduct or decision consistent with City policy, Council's objectives and the Code of Conduct?
 - Will the outcome of the decision or conduct provide a private benefit for the individual, family, friends or business interests?
 - Can the decision or conduct be justified in terms of the public interest and would it withstand public scrutiny?

3 Handling of Information

- 3.1 Staff must:
- Protect information that is specifically marked confidential and other material understood to be confidential in nature;
 - Refrain from discussing/disclosing any Confidential Information with/to other staff, or with persons outside the organization except as authorized;
 - Take reasonable care to prevent the examination of confidential material by unauthorized individuals;
 - Not use Confidential Information with the intention to cause harm or detriment to Council or any other person or body;
 - Only access information needed for City business;
 - Only use Confidential Information for the purpose it is intended to be used;
 - Only release information in accordance with established City policies and procedures and in compliance with the *Freedom of Information and Protection of Privacy Act*;
 - Not disclose decisions, resolutions or report contents from an in-camera meeting of Council until a corporate decision has been made for the information to become public; and
 - Not disclose detail on Council's in-camera deliberations or specific detail on whether individual Councillors voted for or against an issue.

3.2 Except in the normal course of duties, staff must not in any way change or alter City records or documents.

3.3 When dealing with personal information, staff must comply fully with the provisions of *the Freedom of Information and Protection of Privacy Act*. All reasonable and necessary measures must be taken to ensure that the personal or private business information of individuals is protected. Personal information is information or an opinion about a person whose identity is apparent, or can be determined from the information or opinion.

4 Conflict of Interest

4.1 Staff are expected to make decisions that benefit the community. They are to be free from undue influence and not act or appear to act in order to gain financial or other benefits for themselves, family, friends, or business interests.

4.2 A conflict exists when an individual is, or could be, influenced, or appear to be influenced, by a personal interest, financial (pecuniary) or otherwise, when carrying out their public duty. Personal interest can include direct or indirect pecuniary interest, bias, pre-judgment, close mindedness or undue influence.

4.3 Staff must appropriately resolve any conflict or incompatibility between their personal interests and the impartial performance of their public or professional duties in accordance with statutory requirements. When considering whether or not a conflict of interest exists, it is important to consider whether there are any grounds for a reasonable person to think that a conflict exists.

4.4 Staff must fully disclose to their supervisor or the City Manager any direct or indirect pecuniary interest or any bias or undue influence with respect to any matter they are dealing with as soon as practicable.

4.5 When staff are uncertain whether a conflict exists, the situation must be immediately presented to the General Manager or City Manager for guidance.

4.6 Staff must not use Confidential Information gained through their official position for the purpose of securing a private benefit for themselves or for any other person.

4.7 Examples of conflicts that may be encountered by staff include but are not limited to:

4.7.1 **Obligation to others:** Staff must not place themselves in a situation where they may be under obligation to someone who has business dealings with the City, and who would benefit from special consideration or treatment.

- 4.7.2 **Special advantage/disadvantage:** When staff can gain special advantage because of their position or when the City is disadvantaged as a result of the other interests of Council officials, staff or advisory body members.
- 4.7.3 **Provision of special consideration/treatment:** In the performance of their duties, staff may only grant special consideration/treatment as specifically authorized by City Council or the General Manager.
- 4.7.4 **Representation to City Council, its Committees, Boards or Tribunals:** Staff must not represent any private interest(s) except on their own behalf;
- 4.7.5 **Litigation involving the City:** Staff must not be party to any litigation against or involving the City.
- 4.7.6 **Use of City-owned equipment:** Staff must use City owned equipment, material, staff time or property in accordance with City policy, or as specifically authorized by City Council or the General Manager.
- 4.7.7 **Discounts/Rebates:** Staff may not take advantage of discounts/rebates on personal purchases from suppliers having an existing business relationship with the City, unless those suppliers offer the same discounts/rebates to the general public or those discounts/rebates are offered to staff of other large employers (public and private) on a no-strings-attached basis to the employer.
- 4.8 Staff must not expect or request preferential treatment for themselves or their family because of their position. They must also avoid any action that could lead members of the public to believe that they are seeking preferential treatment.
- 4.9 Staff who are considering outside employment, contract work or any business or undertaking that relates in any way to the business of the City or that might conflict or appear to conflict with their duties to the City must notify and seek the approval of their General Manager or the City Manager in writing.
- 4.9.1 In dealing with such requests General Managers and the City Manager must not unreasonably withhold approval except where such employment is deemed to be inappropriate or present a high probability of the existence of a conflict.
- 4.9.2 Before staff engage in outside employment or business they must ensure that it will not:
- Conflict or appear to conflict with official duties;
 - Interfere with City work;

- Involve the use of Confidential Information or Council resources obtained through their work for the City;
- Require work during City work hours;
- Discredit or disadvantage the City or City Council; or
- Result in their holding any property or interest which may be in conflict with the employee's duties to the City.

5 Political Activity

- 5.1 Staff members enjoy broad political freedoms and should be able to engage in democratic politics with few restrictions. However, such broad freedoms must be exercised so as not to call into question their ability to perform their employment duties in a professional and impartial manner.
- 5.2 "Political Activity" is applicable to the civic, regional, provincial, and national elections and includes:
- carrying on any activity in support of, within, or in opposition to a political party;
 - carrying on any activity in support of or in opposition to a candidate before or during an election period; or
 - seeking nomination as or being a candidate in an election before or during the election period.
- 5.3 The *Vancouver Charter*, section 39 allows staff of the City of Vancouver to seek nomination as candidates for City Council and for the Park Board, provided they meet certain requirements.

It requires the employee to:

- Notify the employer in writing, of the employee's intention to consent to nomination, before being nominated.
- After advising the employer in writing, the employee is entitled to and must take a leave of absence, as follows:
 - i) Commencing on the first day of the nomination period or the date of notification, whichever is later, and;
 - ii) Ending:
 - **if not nominated**: on the day after the end of the nomination period;
 - **if employee withdraws as a candidate**: on the day after the withdrawal;
 - **if elected**: on the day the employee resigns from the position;
 - **if not elected and no application for judicial recount has been made**: on the last day on which an application for a judicial recount may be made; and

- *if not elected and an application for a judicial recount has been made*: on the date when the results of the judicial recount are determined.

- If elected, resign from the position before swearing the oath of office.

5.4 Staff may seek nomination and hold office on the Vancouver School Board provided they do not violate the standards outlined in this Code of Conduct.

5.5 The purpose of this section of the Code of Conduct is to recognize the right of employees to engage in Political Activity while maintaining the principle of political impartiality in the public service.

5.6 An employee may engage in any Political Activity so long as it does not impair, or is not perceived as impairing, the employee's ability to perform his or her duties in a politically impartial manner. This precludes employees from displaying slogans or symbols supporting a particular party or candidate while at work where their duties may reasonably require them to interact in person with the public or where their duties require them to supervise, schedule or assign work to others.

5.7 An employee may only seek candidacy as set out in Sections 5.2 and 5.3 above.

5.8 The City Manager, General Managers and their equivalents shall not engage in any public Political Activity other than voting in an election.

6 Gifts and Personal Benefits

6.1 What are gifts and personal benefits?

6.1.1 Gifts and personal benefits are items or services of value that are received by staff for their personal use. Gifts and personal benefits include, but are not limited to, cash, gift cards, tickets to events, items of clothing, jewelry, pens, food or beverages, discounts/rebates on personal purchases, free or subsidized drinks or meals, entertainment, and invitations to social functions organized by groups or community organizations.

6.1.2 The following are not considered to be gifts or personal benefits for the purposes of this policy:

- compensation authorized by law,
- reimbursement for out-of-pocket costs incurred for authorized travel, living and accommodation expenses associated with attendance at an event, and
- a lawful contribution made to a Council member who is a candidate for election conducted under Part I or II of the Vancouver Charter.

- 6.2 What gifts and personal benefits may and may not be accepted?
- 6.2.1 Staff must not, directly or indirectly, accept a gift or personal benefit that is intended to influence the member's performance of their respective official duties related to the City of Vancouver.
- 6.2.2 Staff may accept a gift or personal benefit that meets both of the following criteria:
- it has a value of \$50 or less, AND
 - is received as an incident of protocol or as a City representative on activities such as speaking engagements, technical presentations, business meetings and social obligations reasonably related to their role with the City of Vancouver.
- 6.2.3 Notwithstanding section 6.2.2, staff must never accept a gift of cash (for the purpose of this policy, gift cards constitute cash).
- 6.2.4 Notwithstanding section 6.2.2, staff must never accept a gift or personal benefit that could reasonably be expected to result in a real or perceived conflict of interest as set out in sections 4.1 and 6.2.1 of this Code.
- 6.2.5 Staff may not take advantage of discounts/rebates on personal purchases from suppliers having an existing business relationship with the City, unless those suppliers offer the same discounts/rebates to the general public or those discounts/rebates are offered to staff of other large employers (public and private) on a no-strings-attached basis to the employer.
- 6.2.6 Staff must take all reasonable steps to ensure that their immediate family members do not receive gifts or personal benefits that could appear to an impartial observer to be an attempt to subvert this policy or to influence or secure a favour from the Council member, staff, or advisory body member. Immediate family members include parents, spouses, children and siblings.
- 6.3 How must gifts and personal benefits be reported?
- 6.3.1 If a staff receives multiple gifts or personal benefits valued under \$50 from a single individual or source in one calendar year, the gifts must be disclosed if the combined value of these gifts for the year is more than \$50.
- 6.3.2 Staff in receipt of gifts or personal benefits that they do not wish to accept have the option of immediately relinquishing the gift or personal benefit to the City Clerk without filing a disclosure form. If not relinquished immediately, a disclosure form will be required.

6.3.3 Where a disclosure is required, it must be filed with the City Clerk as soon as practicable, using the forms designated for this purpose. The disclosure must include:

- the name of the individual in receipt of the gift or personal benefit
- a description of the gift or personal benefit, estimated value, and date that it was received
- the source of the gift or personal benefit (if from a corporation, the full names and addresses of the CEO/Executive Director and at least 2 individuals who are directors)
- the circumstances under which the gift or personal benefit was given and accepted
- the final disposition of the gift or personal benefit

6.3.4 Responsibility for relinquishing of gifts and personal benefits in accordance with 6.3.3, and filing of the disclosure form in accordance with 6.3.4 lies solely with the recipient of the gift.

6.4 How are gifts and personal benefits valued?

6.4.1 For the purposes of this Code, the value of each gift or personal benefit shall be determined by its replacement cost, i.e. how much it would cost to replace the item.

6.4.2 Where the value for a gift or personal benefit is unclear, the City Clerk shall determine this value.

6.5 How are relinquished gifts managed and disposed of?

6.5.1 The City Clerk will maintain records of all gifts and personal benefits received, including disposition.

6.5.2 Any gifts or personal benefits that have been received in contravention of section 6.2 of this policy must be turned over to the City Clerk immediately for safekeeping or disposition, and are the property of the City.

6.5.3 At the City Clerk's discretion, such gifts may be disposed of as follows:

- returned to the donor,
- displayed in individual offices, general offices, or in the public areas of City Hall,
- disposed of by donation, sale or auction, with any proceeds credited to the City's general revenues or to the direct or indirect support of a charitable organization.

6.5.4 The City Clerk may contact the donor, where appropriate, to report on the disposition of the gift.

Quick reference guide on gift acceptance and disclosure policy:

| | What can be accepted | What must be disclosed |
|--|--|--|
| Staff | May accept gift or personal benefit if related to a protocol event or such activities as speaking engagements and business meetings <i>and</i> valued at less than \$50. | <ul style="list-style-type: none"> ▪ Must disclose multiple items from one source where the total value exceeds \$50 in a calendar year |
| <p>Gifts and personal benefits may never be accepted by staff when:</p> <ul style="list-style-type: none"> ▪ in the form of cash or gift card ▪ acceptance of the item could reasonably be expected to result in a real or perceived conflict of interest ▪ the gift or benefit is intended to influence the member’s performance of their official duties <p>Staff have the option to not accept the gift or personal benefit and relinquish immediately to the City Clerk without disclosure.</p> | | |

7 Interactions of Council, Staff and Advisory Body Members

- 7.1 Council is the governing body of the City of Vancouver. It has the responsibility to govern the City in accordance with the Vancouver Charter and other legislation.
- 7.2 The City Manager is responsible for the efficient and effective operation of the City organization and for ensuring the implementation of the decisions of the Council.
- 7.3 Staff are expected to:
 - Give their attention to the business of the City while on duty;
 - Ensure that their work is carried out efficiently, economically and effectively;
 - Provide Council officials with information sufficient to enable them to carry out their civic functions;
 - Carry out lawful directions given by any person having authority to give such directions; and
 - Give effect to the lawful policies, decisions and practices of Council, whether or not the staff member agrees with or approves of them.
- 7.4 Staff should seek the advice and approval of their General Manager prior to responding to a direct request from Council officials, except where the request is minor or of a day-to-day operational nature.

- 7.5 Staff are to provide information and professional advice through regular City processes and are not to lobby Council members on any matter.
- 7.6 Staff must not make public statements unfairly attacking or reflecting negatively on the City of Vancouver, City Council, individual Council members or staff.
- 7.7 General Managers are to be equally helpful to all members of Council, and should avoid close alliance, or the appearance of close alliance, with any particular member. Information and advice is to be provided as requested, within the limitations of this document.
- 7.8 Significant information provided to any member of Council, which is likely to be used in Council or in political debate, should also be provided to all other Council Members, and to the City Manager.

8 Breaches, Complaint Handling and Disciplinary Action

General

- 8.1 Staff are to abide by the requirements of the Vancouver Charter and this Code of Conduct, and shall endeavour to resolve interpersonal disputes in good faith.

City Staff and Contract Employees

- 8.2 Alleged breaches of this Code of Conduct by Staff or Contract Employees shall be reported in writing to a General Manager or the equivalent.
- 8.3 Breaches of this Code of Conduct by staff party to collective agreements will be handled through existing collective agreements including identified grievance and arbitration processes. These mechanisms include the ability for the City to take appropriate disciplinary action up to and including dismissal.
- 8.4 Breaches of this Code of Conduct by exempt staff will be handled through existing processes and in accordance with current employment law. The General Manager of Human Resource Services, departmental General Managers or equivalents and/or the City Manager review alleged breaches, make any necessary inquiries and determine appropriate disciplinary action.
- 8.5 Consequences associated with breaches of this Code of Conduct by contract employees are incorporated in the contracts under which they are retained, and will be dealt with in accordance with the conditions outlined therein.

RELATED POLICIES

- [AE - 028 - 02](#) Whistleblowing - Reporting, Investigation and Protection
- [AE - 002 - 05](#) Human Rights and Harassment Policy
- [AE - 002 - 06](#) Respectful Workplace Policy

APPROVAL HISTORY

| ISSUED BY: | APPROVED BY: | DATE : |
|------------|--------------|--------|
| City Clerk | Council | |
| City Clerk | Council | |