Winnipeg
Audit Department
Service de vérification

Audit of Procurement for the Pedestrian and Cycling Strategies Report and Review of the Employee Code of Conduct

April 2017

Leaders in building public trust in civic government

If we can brand ethics as a component of a culture of innovation, everybody wins.

~Karen Wensley, MBA

CPA Magazine, January/February 2017

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AUDIT AT A GLANCE

RECOMMENDATIONS

We recommended that:

1. *The Public Service update the City's Employee Code of Conduct to incorporate the key characteristics for codes.*
2. *The Public Service define the term "conflict of interest" in the Employee Code of Conduct.*
3. *The Public Service establish a process to review and update the Employee Code of Conduct on a periodic basis.*
4. *The Public Service formally document and communicate the City's Ethics Framework.*
5. *The Public Service establish a process to review and update the Ethics Framework on a periodic basis.*
6. *The Public Service develop a training course on the City's Ethics Framework, and make it available to all employees.*

Background

A motion was made by City Council that the City Auditor carry out an independent review of the procurement of the contract and subcontracts related to the Pedestrian and Cycling Strategy to ensure that the City of Winnipeg Employee Code of Conduct was upheld, and to provide recommendations in the event that there is a need to update and modernize the City of Winnipeg Employee Code of Conduct.

Findings

The Public Service did uphold the City's Employee Code of Conduct for the procurement and execution of the Pedestrian and Cycling Strategies Project. The steps taken by the Public Service to mitigate the risk of potential conflict of interest in the procurement and during the course of the project followed the requirements of the Employee Code of Conduct.

The guidance in the City's Employee Code of Conduct in relation to conflict of interest is in line with the codes of other jurisdictions, and also in line with professional guidance on codes of conduct.

The City's Employee Code of Conduct has not been updated since it was adopted by Council in 2001.

The current code has several strengths, including that it discusses key principles to be followed, contains guidelines on ethical conduct including conflict of interest, provides clear details on roles, responsibilities, and options for consequences in cases of ethical misconduct, and is concisely written.

We recommended that the code be revamped to be written in plain language to be more reader friendly to employees of all educational and cultural backgrounds. Other areas that we recommended to be updated in the code included providing a definition of conflict of interest for the benefit of those who may not be familiar with the meaning of the term, incorporating the City's corporate values, and providing references to the Public Service's other ethical standards that support the principles in the code.

We also recommended that the Public Service formally document its Ethics Framework to present a more unified guide for presenting and communicating the City's policies and standards that build and sustain the ethical culture.

MANDATE OF THE CITY AUDITOR

- The City Auditor is a statutory officer appointed by City Council under *The City of Winnipeg Charter*. The City Auditor is independent of the Public Service and reports directly to Executive Policy Committee, which serves as the City's Audit Committee.
- The City Auditor conducts examinations of the operations of the City and its affiliated bodies to assist Council in its governance role of ensuring the Public Service's accountability for the quality of stewardship over public funds and for the achievement of value for money in City operations.
- Once an audit report has been communicated to Council, it becomes a public document.

AUDIT BACKGROUND

- A motion was made in the July 15, 2015 Council meeting that :
  - "The City Auditor immediately undertake an independent review of the procurement of the contract and subcontracts related to the Pedestrian and Cycling Strategy so as to ensure that all aspects of the City of Winnipeg Code of Conduct have been upheld and to report their findings back to Winnipeg City Council"; and that
  - "The City Auditor provide recommendations to City Council in the event that they find there is a need to update and modernize the City of Winnipeg Employee Code of Conduct."
- The motion was adopted in Council's September 30, 2015 meeting. An audit for the motion was added to the City Auditor's *Audit Plan 2015 – 2018: 2016 Update*, which was endorsed by Audit Committee.

AUDIT OBJECTIVES

- The objectives of our audit were:
  - To provide assurance on whether the City's Employee Code of Conduct had been upheld for the procurement of the Pedestrian and Cycling Strategy.
  - To assess and provide recommendations on whether the City's Employee Code of Conduct needs to be updated and modernized.

RISK ANALYSIS

- Our audits are conducted using a risk-based methodology.
- We considered the following *potential* risks when assessing whether the Employee Code of Conduct was upheld during the procurement phase for the Pedestrian and Cycling Strategies Project:
  - Was the Pedestrian and Cycling Strategies Project appropriately tendered following the City of Winnipeg's standards and practices?
  - Does the Employee Code of Conduct provide guidance on when a potential conflict of interest is identified?
  - Was the Employee Code of Conduct upheld during the procurement process?
  - Was any potential conflict of interest identified?
  - If a potential conflict of interest was identified, was appropriate action taken to address the potential conflict?
- We also considered the following *potential* risks when assessing whether the Employee Code of Conduct is in line with current leading practices:
  - Are there authoritative sources that can provide advice on appropriate contents for codes of conduct?
  - Does the City's code contain appropriate guidance for conflict of interest?
  - Have there been developments in the ethics community on codes of conduct since Winnipeg's code was created?
  - Have there been developments in ethical framework practices that organizations are following over and above just having codes of conduct?
  - Is there authoritative guidance on processes to ensure that codes of conduct and ethical frameworks are periodically reviewed and updated?
- Individual audit area risk assessments are provided for each issue discussed in our report. The assessments discuss and detail the residual risk for issues after considering the City's mitigating risk controls. Our risk assessment criteria are shown in **Appendix 1.**

AUDIT SCOPE

- The scope of our audit included an assessment of:
  - The procurement and contract administration process related to the Pedestrian and Cycling Strategies Project.
  - The City of Winnipeg Employee Code of Conduct on its own, in comparison with other jurisdictions Codes of Conduct, and in comparison with leading practices.
- Our professional standards recognize that auditors provide a limited assurance on matters examined in their audits. Those standards also require that we discuss the limitations of our work in the event that broader objectives could be inferred by the reader. We limited our examination of whether the Employee Code of Conduct was upheld to areas that we believed could be breached in relation to potential conflict of interest for the Pedestrian and Cycling Strategies Project.

APPROACH AND CRITERIA

- We conducted our audit in accordance with generally accepted government auditing standards. Those standards require that we plan and perform the audit to obtain sufficient appropriate evidence to provide a reasonable basis for our observations and conclusions, based on our audit objectives. We believe the evidence we have obtained provides a reasonable basis for our observations and conclusions.
- To determine if the Pedestrian and Cycling Strategies contract was tendered according to policy we reviewed Council's Materials Management Policy and the City's Materials Management Administrative Standard for tendering guidelines, and compared to how the Project was tendered.
- We compared the steps taken to mitigate the potential conflict of interest to the guidance included in the City's Employee Code of Conduct.
- We reviewed bids and assessed if they were evaluated using a predetermined scoring system, and re-performed the bid evaluation process to determine whether the contract was awarded fairly.
- To assess the need to update and modernize the Employee Code of Conduct, we researched current leading ethical practices on key characteristics of effective codes of conduct; we reviewed the City's Employee Code of Conduct, administrative standards, and ethical processes; and we evaluated the Employee Code of Conduct based on those recommended key characteristics, and the City's ethical system based on the recommended key elements of ethics frameworks.
- **Appendix 2** provides the sources on leading ethical practices that we used for our analysis.
- **Appendix 3** provides a flow chart of the audit process.

CONCLUSIONS

The Public Service upheld the City's Employee Code of Conduct during the procurement and over the course of the Pedestrian and Cycling Strategies Project.

- The Project was tendered according to Council's Materials Management Policy and the Public Service's Materials Management Administrative Standard.
- The contract was appropriately awarded in accordance with the delegated authorities of the Materials Management Policy and Materials Management Administrative Standard.
- Appropriate steps were taken by the Pedestrian and Cycling Strategies Project management team to communicate and address any potential risks of conflict of interest for the procurement and execution periods of the project.
- The evaluation of all proposals was conducted appropriately, and the contract was awarded fairly.

The City of Winnipeg has an opportunity to modernize the City's Employee Code of Conduct and enhance the overall ethics framework in line with current leading ethical practices.

- The City of Winnipeg Employee Code of Conduct was adopted by Council on March 21, 2001 and has not been updated since.
- The Employee Code of Conduct contains guidance on conflict of interest that is in line with ethical practices.
- Opportunities to update and improve the Employee Code of Conduct include:
    - Defining conflict of interest in the code.
    - Redrafting the code using plain language to make the code more reader friendly.
    - Providing references to the City's other ethics policies, directives, and administrative standards.
    - Providing examples of both acceptable and unacceptable behavior to facilitate better understanding of the concepts.
- Areas of focus to be in line with leading practices include:
    - Formally documenting an Ethics Framework that presents a more unified way of referencing, presenting and communicating the City's ethical directives and standards.
    - Developing and implementing a review process for the Employee Code of Conduct and the Ethics Framework.

Appendix 4 provides a summary of our recommendations.

INDEPENDENCE

The team members selected for the audit did not have any conflict of interest related to the audit's subject matter.

ACKNOWLEDGEMENT

The Audit Department wants to extend its appreciation to all of the stakeholders who participated in this audit.

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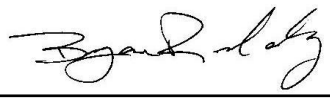


Bryan Mansky, CPA, CMA, MBA, CIA
City Auditor

April 2017
Date

Project Background

1.1 Pedestrian and Cycling Strategies Project Background

- On November 16, 2011, Council adopted the *Winnipeg Transportation Master Plan* as the long range transportation policy for the City. The plan sets out a long term strategy to guide the planning, development, renewal and maintenance of a multimodal transportation system.
- Within the *Winnipeg Transportation Master Plan*, a number of enabling strategies are listed to achieve the key strategic goals, which include:
    - Develop a city-wide pedestrian strategy,
    - Develop a city-wide cycling strategy that provides integrated guidance for the City's efforts to support cycling activity and connectivity.
- The purpose of the Pedestrian and Cycling Strategies Project ("the Project"), according to the Request for Proposal ("RFP"), was to produce comprehensive strategies that confirmed and expanded the community's vision for increasing the use, comfort and safety of walking and bicycling over time, and to establish detailed direction for policy, infrastructure and programming towards implementing that vision. The RFP also noted that proceeding with both strategies simultaneously recognized the opportunity to coordinate efforts across both modes of transportation, and with the City's overall multi-modal transportation system. It also provided opportunity to identify and consider synergies while addressing the distinctively different needs of pedestrians and cyclists.
- The RFP for the Project was advertised publicly in December 2012. Six proposals were received in response to the RFP. All six proposals were reviewed by an Evaluation Committee consisting of the Project Manager, who is the Transportation Facilities Planning Engineer from the Public Works Department, and four other members from the City's Public Works and the Planning, Property & Development Departments. The Manager of Transportation from the Public Works Department, whom the Project Manager for the Project normally reports to, was excluded from the Evaluation Committee due to the fact that his spouse was a proposed sub-consultant in one of the bids for the Project. The Project was ultimately awarded to Urban Systems Ltd. ("Urban Systems").
- One of the sub-consultants for Urban Systems was the spouse of the Manager of Transportation for the Public Works Department, which created a potential conflict of interest in the contract should the procurement process have not appropriately addressed this risk. The concept and considerations for conflict of interest is discussed later in the Project Background section, and the potential conflict of interest in the Pedestrian and Cycling Strategies Project is discussed further in the Procurement Process Evaluation section of our report.
- The contract with Urban Systems was comprised of the RFP (which details the scope of services and work to be performed by the consultant, the deliverables, and other supplemental conditions), the proposal submitted by the consultant, and the City's standard *General Conditions for Consultant Services*.
- The City does not secure contractual relationships with sub-consultants and, prior to the joint administrative report from the Audit Department and the Legal Services Department entitled "Review of Performance of the Pedestrian and Cycling Strategies Contract" presented to Council in its December 14, 2016 meeting, the *General Conditions for Consultant Services* did not explicitly extend the conditions to sub-consultants. The Legal Services Department has revised the language in the *General Conditions for Consultant Services* to expand its scope to sub-consultants.
- The *Pedestrian and Cycling Strategies Final Report* was adopted by Council on July 15, 2015.

1.2 The City of Winnipeg's Procurement Process

- In order to provide transparent and accountable government, the City solicits public bids on supplies of goods and services over a minimum threshold.
- The procurement process is governed by Council's *Materials Management Policy*. The Public Service also has an administrative standard that further delegates the authorities set out in the *Materials Management Policy*, and further describes the procurement administration process.
- When a supply of goods or services is required by the City, departments will create an RFP or a tender for the supply in consultation with the Materials Management Division of the City's Corporate Finance Department. The Materials Management Division is a member of the Supply Chain Management Association of Canada, and many of its employees hold Supply Chain Management Professional (SCMP) designations.
- Once an RFP is complete, it is posted publicly on the City's website for a minimum period of time established by industry best practice. While the bidding period is open, the designated Project Manager (or Contract Administrator) will answer questions about the RFP before the bidding period closes, which may result in an Addendum to the RFP that is also posted publicly on the City's website. All bids are submitted to the Materials Management Division, not to the department in charge of contract administration for the supply. If the Project Manager (City employee) believes that there might be an ethical issue in the procurement of the supply at any time during the bidding process, he or she is able to bring the concern to the Materials Management Division, the Legal Services Department, or both.
- After the bidding period has closed, the bids are opened and reviewed by an employee from the Materials Management Division. They are then forwarded to the Project Manager.
- All bids are then evaluated by an Evaluation Committee consisting of the Project Manager and several other independent City employees. Bids are ranked based on price and other criteria, such as how well the proposals met the requirements of the RFP that was published. The Materials Management Division may also independently confirm that bids have met the necessary requirements of the RFP.
- A successful bidder is then chosen by the Evaluation Committee, applicable references are checked for the bidder, the award is approved by the appropriate authority, and the contract is awarded to the successful bidder. For RFPs, all unsuccessful bidders are also notified that their bids were not successful.
- The award is then posted publicly on the City's website, and the contract moves into the contract administration phase.

1.3 City of Winnipeg Employee Code of Conduct

- For the purposes of our analysis, we define a code of conduct in the words of compliance and ethics professionals Falcione and Sophocles (2012). They state that "A Code of Conduct (Code) is a document that describes an organization's principles, values, and standards for behavior. A Code sets forth the rules that the organization's employees and other key stakeholders must follow when facing ethical dilemmas related to the workplace, such as conflict of interest or the offering or accepting of gifts. Effective and engaging Codes focus not only on the legal risks that are applicable to the organization and its constituents, but also focus on the organization's mission and 'beliefs'. A Code should describe general principles about the organization's values, goals and overall ethical philosophy."
- The public interest is paramount to public service employees. As such, *The City of Winnipeg Charter* requires that "Council must establish a code of conduct for employees that includes conflict of interest rules." The City's Employee Code of Conduct was established by Council to guide employees in:

- Observing the highest standards of conduct at all times and not letting actions be influenced by personal considerations.
- Avoiding situations in which personal interest conflicts, or appears to conflict, with the interests of the City.
- Obeying and respecting all laws in force in Manitoba, including City By-laws, and complying with the provisions of The Freedom of Information and Protection of Privacy Act.
- Not engaging in any activity that could damage the City's reputation, making them unable to properly perform employment responsibilities, causing other employees to refuse or be reluctant to work with them, or hindering the City's ability to efficiently manage and direct its operations.

- The Employees Code of Conduct is only applicable to City employees; it is not applicable to contractors.
- Employees have the responsibility to review and adhere to the code and are required to acknowledge their understanding and adherence to the code annually.
- The City of Winnipeg Employee Code of Conduct is comprised of the following six parts:
  - Part A. Definitions – defines commonly used terms to provide clarity to the reader.
  - Part B. General Principles – communicates high level expectations of all employees in relation to behaviour and conflict of interest.
  - Part C. Preamble – provides context and applicability of the code in relation to other legislation, policies, regulations, directions, and agreements for employees.
  - Part D. Specific Provision – outlines specific prohibitions for employees.
  - Part E. Enforcement – outlines how and to whom potential conflict of interest and breaches of the code should be reported.
  - Part F. Administration of the Code – states the responsibility of the Chief Administrative Officer to implement, publicize, and enforce the code.
- The City's code has not been revised since it was approved by Council in 2001. To determine if updates to the Employee Code of Conduct would be prudent, we researched leading practices and assessed whether Winnipeg's Employee Code of Conduct is in line with those practices. This is contained in the Code of Conduct Evaluation section of our report.

1.4 Conflict of Interest

- The vast majority of the time in public service, what is in the best interests of the public is also within the best interests of the employees who serve the public. When the personal interests of an employee are not also within the best interests of the public, that person is in a conflict of interest scenario.
- Conflict of interest is a critical concept for government service and yet few authoritative sources comprehensively describe what a conflict of interest is. Simply put, a conflict of interest in a government setting occurs when a public servant cannot objectively act in the best interest of the public due to competing private interests. There are several types of conflict of interest scenarios:

Actual Conflict –	When the actual circumstances that exist pit a person's private interests against his or her ability to act in the best interest of the public.
Perceived Conflict –	When the circumstances that exist could give the appearance of a conflict of interest to external observer who neither has all of the facts about the situation (also known as an "apparent conflict").

Potential Conflict – When circumstances that will occur in the future will create a conflict of interest if mitigating actions are not taken.

- There are several different types of risks that can create conflict of interest, including:

Familiarity – When personal relationships affect the ability to act in the public interest.
Self-interest – When financial interests affect the ability to act in the public interest.
Bias – When political, ideological, social, or other convictions affect the ability to act in the public interest.
Influence – When external pressures affect the ability to act in the public interest (including threats/intimidation).
Structural – When the legal authority structure affects the ability to act in the public interest.
Self-review – When someone is placed in a position of having to objectively evaluate his or her own work, which may affect that person's ability to act in the public interest.

- When conflict of interest arises, actions can also be taken to effectively reduce or remove the conflict from being able to affect the employee's objective decision making ability. These are known as "mitigating actions".
- Not all conflict of interest scenarios can be mitigated. Conflicts that are not possible to mitigate normally result in prohibition of specific actions that would place people in conflict.
- How these concepts were incorporated into the procurement of the Pedestrian and Cycling Strategies report, and how they are incorporated into the City's Employee Code of Conduct, is discussed further in the Procurement Process Evaluation and the Code of Conduct Evaluation sections of our report.

1.5 Ethics Framework

- We have modified the Institute of Internal Auditors' (2012) definition of an ethics program to define an "Ethics Framework" as "[Documented guidance that] sets expectations for acceptable behaviors in conducting business within the organization and with external parties. It is in essence a comprehensive and integrated ethical approach to fostering and maintaining an ethical culture. It includes effective board oversight, a strong tone-at-the-top, senior management involvement, organization wide commitment, timely follow-up and investigation of reported incidents, consistent disciplinary action for offenders, ethics training, communications, ongoing monitoring systems, and an anonymous incident reporting system."
- Ethics Frameworks are comprised of multiple elements, including: organizational values, standards, the code of conduct, and ethical policies and procedures. These elements come together collectively and depend on each other to successfully support an ethical culture.
- We have evaluated the City's Ethics Framework in the Ethics Framework Analysis section of our report.

Procurement Process Evaluation

2.1 Procurement Process and Potential Conflict of Interest

Issue

- Was the Employee Code of Conduct upheld during the procurement and execution of the contract related to the Pedestrian and Cycling Strategies Project?

Conclusion

- The Employee Code of Conduct was upheld during the procurement and execution of the contract related to the Pedestrian and Cycling Strategies Project.

Analysis

Potential for Conflict of Interest in the Contracted Services

- A Request for Proposal ("RFP") was issued for the Project through the City's website on December 3, 2012 in accordance with the City's outlined procurement processes. The Project Manager for the Project was a Transportation Facilities Planning Engineer in the Transportation Division of the Public Works Department.
- During the bid submission period, the Project Manager became aware of a potential conflict of interest in the bidding process after receiving questions on the RFP from a consulting firm owned by the spouse of the Manager of Transportation for the Public Works Department. (The Manager of Transportation was also the immediate supervisor of the Project Manager.)
- The City's Employee Code of Conduct instructs employees on the appropriate actions to take when they become aware of a potential conflict of interest. The code requires that employees who become aware of potential conflicts disclose the matter their department heads so that the appropriate action may be taken.
- When the Project Manager became aware of the potential conflict, he consulted with the City's Legal Services Department and the Materials Management Division to determine the appropriate steps to take to mitigate the potential risk. In coordination with the Legal Services Department and the Materials Management Division, the Project Manager took the appropriate steps to ensure that the Director of Public Works was advised of the matter in writing. He also advised the Evaluation Committee for this bid opportunity that the Manager of Transportation was not to be involved in the evaluation in any way, that the evaluation process should not be discussed with any other City staff (including the Manager of Transportation), and that if the Manager of Transportation's spouse was a part of the successful bid, that the Manager of Transportation would not have any involvement in the Project.
- Since the Project Manager for the Project was also supervised by the Manager of Transportation in his regular duties, the reporting structure was temporarily altered for the duration of the Project so that the Project Manager would report directly to the Director of Public Works on all matters relating to the Project.

Assessment and Confirmation of Mitigating Procedures

- The Audit Department evaluated the steps taken to address the potential risk and believes there was sufficient action and documentation to adequately address the risk.
- Confirmation from various parties involved in the Project regarding the level of involvement of the Manager of Transportation on this Project was requested. The Manager of Transportation stated that he did not participate in any aspect of the Project during the procurement stage and throughout the completion of the Project. Additionally, each member of the Project's Evaluation Committee, members of the Project's Steering Committee, the principal consultant (Urban Systems), and all four sub-consultants confirmed that the Manager of Transportation was not involved with any aspect of, and did not provide any direction related to, the Project; all direction relating to the Project's execution was stated to have come from the City's Project Manager.
- The Audit Department reviewed relevant project documentation and interviewed project stakeholders to confirm whether there were any other potential violations with respect to the Employee Code of Conduct, and to ensure all aspects of the code were upheld. No other potential violations were observed by either the Audit Department or the stakeholders contacted.
- The bid selection process was evaluated by the Audit Department by reviewing all of the six bid submissions for the Project, and by reviewing the Evaluation Committee's evaluation and scoring documentation. We observed that the bid selection process followed the procurement process outlined by the Materials Management Division.
- The Audit Department also replicated the evaluation process and re-performed the evaluation of each submission to assess the fairness of the scores given. Our scores closely correlated with those awarded by the Evaluation Committee. In our opinion, the contract was awarded fairly.
- Our ability to conclude on the process is limited to the documented materials provided to us. From our review of the bid evaluation materials, the Manager of Transportation did not appear to be involved in the selection process or during the project execution phase.
- All members of the Pedestrian and Cycling Strategies Project Evaluation Committee and the Project Steering Committee were asked to declare whether they had any conflict of interest or perceived conflict of interest for the Project, as well as to declare whether they were in compliance with all provisions in the Employee Code of Conduct. All members declared that they had no conflict of interest and that they complied with all provisions of the code. Our audit work found no evidence to suggest otherwise.

RECOMMENDATION			
No recommendations accompany this analysis.			
RISK AREA	Compliance/Business Process	**ASSESSMENT**	Moderate
BASIS OF ASSESSMENT	Conflict of interest and ethical violations in the procurement and contract management processes can impact the objectivity of the decisions made on whom to award contracts to. It can also cause a loss of public trust, negatively impact the City's reputation, and expose the City to litigation.		

Code of Conduct Evaluation

3.1 Employee Code of Conduct Update

Issue

- Does the City of Winnipeg's Employee Code of Conduct need to be updated?

Conclusion

- To reflect current trends in good governance practice, we believe the City's Employee Code of Conduct should be updated, and that a process should be implemented to review the Employee Code of Conduct on a periodic basis.

Analysis

- The research we conducted was consistent in asserting that it is good practice to review an organization's code of conduct on a periodic basis to ensure that the code is constantly meeting an organization's ever-changing environment. The City of Winnipeg's Employee Code of Conduct has not been revised since it was adopted by Council in 2001. As a part of this report, Council has requested a review of the Employee Code of Conduct to provide any recommendations on whether we believe the document requires an update. We have evaluated the Employee Code of Conduct based on publicly available, generally-acceptable advice written by reputable sources from accounting, auditing, ethics and standard-setting bodies and professions. We have compiled and contrasted the guidance from these sources in the following section.

Key Characteristics of an Effective Code of Conduct

- The benefits of having a well-crafted Employee Code of Conduct are that the code will:[1]
    - Help employees align their daily behaviours with the City's mission and values.
    - Provide unity and understanding about the City's principles of ethical conduct.
    - Help employees make ethical decisions in complex situations.
    - Set a public example to help build employee and stakeholder trust.
    - Increase awareness on ethical issues, expected behaviours, and consequences.
    - Empower employees to act ethically and to report misconduct.
- The research we conducted recognized that organizational codes of conduct can come in many different forms and cover many different topics based on each organization's needs. The research also recommended a number of specific characteristics that codes of conduct should have to best achieve the benefits described above. We have compiled these characteristics in Exhibit 1 along with our assessment of whether the City of Winnipeg's Employee Code of Conduct demonstrates these characteristics.

[1] Listing has been adapted from: Falcione, A. and Sophocles, R.M. (2012). *Developing an Engaging Code of Conduct and an Effective Code Program.* p. 3. SAI Global. Retrieved from www.saiglobal.com/compliance

Exhibit 1

	Key Characteristic	Significance	Winnipeg Code
1	City's mission statement	Provides clarity on the organization's purpose, and allows employees to align activities with that purpose.	No
2	Statement of support by CAO and/or Council	Sets a tone of support from the top of the organization.	No
3	Purpose and context for the Code of Conduct	Sets the importance of the code and where it fits in the overall ethics framework.	No
4	City values and principles	Clearly communicates the values and principles that the City expects public servants to have and to demonstrate.	Principles – Yes Values – No
5	How the Public Service relates to its stakeholders	Clarifies who the Public Service is accountable to, and its role and impact in the community.	No
6	Guidance on ethical conduct and resolving/reporting ethical violations	Outlines standards of ethically acceptable behavior and practices that are in line with the organizations overall values and principles.	Guidelines on Ethical Conduct – Yes Resolution/reporting process – Yes
7	Examples of ethical and unethical behaviour	Provides more direct guidance on ethical concepts that may be abstract or difficult for employees to conceptualize.	No
8	Details on implementation, monitoring, and consequences of misconduct	Provides clarity about the consequences of misconduct and serves as a deterrent for potential breaches.	Yes
9	Details on performance evaluation and reporting	Connects the conduct requirements to the overall performance management system and to employees' performance reviews.	No
10	Provides reference to other ethical policies and processes	Gives clear direction on what other ethical guidance exists and where it can be found.	Partial – Reference to the *Freedom of Information and Protection of Privacy Act*
11	Well written in an understandable format	Allows all employees of differing backgrounds to easily understand the requirements of the Code of Conduct.	No
12	Concise	Allows employees to efficiently determine the ethical expectations of the Public Service.	Yes

Characteristics that the Current Code of Conduct Displays

- Of the key characteristics developed from our research, we believe that Winnipeg's Employee Code of Conduct shows the following items:
    - Discusses key principles to be followed.
    - Contains ethical conduct guidelines for potential conflict of interest scenarios, and resolution and reporting processes.
    - Provides clear details on roles, responsibilities, and options for consequences in cases of ethical misconduct.
    - Is concisely written.

Areas for Improvement in the Code of Conduct

- Though the Employee Code of Conduct exhibits several key characteristics of codes, we believe that the document should be revamped due to it currently being written like a legal document, rather than a plain language discussion on ethical expectations and conduct in the Public Service.
- From our review of other jurisdictions, we believe that the City of Ottawa provides an excellent example to follow for well-written, plain language code of conduct, and the City of Edmonton has a well-written, plain language guide to its code of conduct to make the code understandable to all employees. We have included these documents as **Appendix 5** and **Appendix 6** respectively.
- The following key characteristics were items that we assessed require improvement in Winnipeg's Employee Code of Conduct.

Readability and Understandability

- To use a consistent tool to assess the readability of Winnipeg's Employee Code of Conduct in comparison to other jurisdictions, we input the codes into Readability-Score.com (an online tool intended to evaluate documents for overall ease of readability and estimated education level required to understand the document). **Appendix 7** describes the tests used on Readibility-score.com to assess document readability.
- We confirmed with the Total Compensation and Labour Relations Branch of the Corporate Support Services Department that the minimum education requirement for some positions in the Public Service is grade 10. We also recognize that City standards should be written at a level that accommodates employees whose first language is not English. Common advice for documents to achieve the goal of being written in "plain language" is that the documents be written at no higher than a grade 8 level.
- Based on the evaluation, the grade level score of Winnipeg's Employee Code of Conduct was grade 12.8.[1] (For comparison, the City of Ottawa's Code of Conduct scored grade 8.7, and the City of Edmonton's Guide to the Code of Conduct scored grade 8.3.)
- We compared Winnipeg's Employee Code of Conduct to those of the cities of Calgary, Edmonton, Hamilton, Ottawa, Toronto, and Vancouver using the same scoring system (see **Appendix 7**). Winnipeg's Employee Code of Conduct could be considered one of the most difficult documents to read of these jurisdictions; it received the second highest required grade assessment of these cities.

[1] The grade score is the calculated average of the five scoring tests described in **Appendix 7**.

- More specifically, Winnipeg's Employee Code of Conduct requires the reader to be familiar with legal concepts and terminology (referring specifically to severability, direct and indirect personal gain, nominality, solicitation, pecuniarity, advocacy, and indirect interests) and to understand other legal documents (citing FIPPA specifically) to be in compliance with the code. We believe having a full understanding of these terms and references is beyond what should be expected from all employees, and the code should be revised to be understandable to employees from all different cultural and educational backgrounds.

Commitment to Stakeholders

- The Employee Code of Conduct does not explain the Public Service's commitment to its stakeholders or how employee actions can impact the community, citizens, and the Public Service's reputation. Clear connection between employee behaviour and Public Service impact is key to fostering and maintaining an ethical environment.

Defined Organizational Values

- The Employee Code of Conduct does not clearly delineate the key organizational values. These values are the pillars of ethical behaviour in the Public Service. The values of the organization are available in the employee orientation document that can be found on the City's intranet site; however, we are not aware of any other documentation that communicates these organizational values to employees. The Employee Code of Conduct is an appropriate device to communicate these values to all Public Service employees.

Clarity

- The code does not include examples of ethical and unethical behaviour as guidance to ensure clarity of what would be considered an ethical violation. Some terms are abstract concepts (such as what constitutes a conflict of interest and how conflicts can be appropriately mitigated). Case example is a long-standing and generally accepted teaching mechanism to facilitate deeper understanding of concepts that people may not be familiar with. Providing examples increases the likelihood that individuals clearly understand what is expected of them and increases their ability to identify instances or the possibility of unethical breaches.

Performance Evaluation

- The Code of Conduct does not connect ethical conduct to the overall performance evaluation of the Public Service, nor to individual performance evaluations. Assessing ethical behaviour and compliance as part of performance evaluation serves as an ongoing method to monitor implementation of ethical guidelines and standards.

Integrating Other Ethical Standards

- The Code does not include links or references to other relevant standards and to additional information of where employees can get further assistance if required. The Code is one of the first steps to adopting a comprehensive integrated approach to ethics within an organization, serving as a specific point were individuals can find or be pointed to other relevant information that address ethical expectations.

Jurisdictional Comparison

- A comparison of Winnipeg's Employee Code of Conduct to those of other Canadian jurisdictions is provided in **Appendix 8**.

Conflict of Interest Guidance in the Employee Code of Conduct

- Council directed the Audit Department to perform an audit of the procurement process for the Pedestrian and Cycling Strategies Report due to a perceived conflict of interest in how the project was procured. This leads to the question of whether the conflict of interest guidance in the City's Employee Code of Conduct is in line with modern best practices on conflict of interest policies.
- Our research on conflict of interest policies found that standard setting bodies and professional ethics societies do not generally give recommendations on what the specific contents of conflict of interest policies should contain. Specific content is generally left to legislative frameworks and to the professional judgment of organizational policy makers. Our research did reveal that conflict of interest policies do generally contain several areas of discussion. We have denoted these discussion areas in Exhibit 2, along with our evaluation of whether the City of Winnipeg's Employee Code of Conduct contains the specified areas.

Exhibit 2

Component	Winnipeg Code
Definition of what a conflict of interest is (including actual, potential, and perceived subcategories)	**No**
Examples of conflict of interest	**Yes**
Statements of prohibited behaviours	**Yes**
Explanation of conflict of interest risk assessment process (discussing how to determine if the risk is acceptable)	**Yes**
Explanation of mitigation strategies	**Yes**
Monitoring and reporting processes	**Yes**
Declaration processes	**Yes**
Consequences of misconduct	**Yes**

- With the exception of providing a definition of what a conflict of interest is, the City's Employee Code of Conduct contains all of the elements that would normally be contained in a conflict of interest policy.
- We also observed that the provisions in Winnipeg's Employee Code of Conduct relating to family members providing services to the City, the mitigating actions to ensure that City employees are not involved in the hiring, bid selection, or supervision of their family members, and the disclosure practices for those relationships that pose a potential conflict of interest, are consistent with the provisions of the codes of conduct for the other jurisdictions that we have reviewed.

RECOMMENDATION 1			
We recommend that the Public Service update the City's Employee Code of Conduct to incorporate the key characteristics for codes.			
RISK AREA	Organizational Culture	**ASSESSMENT**	High
BASIS OF ASSESSMENT	The current Employee Code of Conduct has not been updated to reflect current trends in good governance practice.		

MANAGEMENT RESPONSE	
Agree. The Public Service will review best practices in this area, including those appended hereto, in order to update the City's Employee Code of Conduct.	
IMPLEMENTATION DATE	Q1 2018

RECOMMENDATION 2			
We recommend that the Public Service revise the City's Employee Code of Conduct to define the term "conflict of interest".			
RISK AREA	Organizational Culture	**ASSESSMENT**	High
BASIS OF ASSESSMENT	Clear definition of key terms in the Employee Code of Conduct is an essential element of communicating behavioural expectations for compliance. Employees of various backgrounds may not have a consistent understanding of what a conflict of interest is, or how conflict of interest applies to public service.		
MANAGEMENT RESPONSE			
Agree. The Public Service will provide a clear, plain language definition of "conflict of interest", and incorporate same into the revised Employee Code of Conduct.			
IMPLEMENTATION DATE	Q1 2018		

RECOMMENDATION 3			
We recommend that the Public Service establish a process to review and update the Employee Code of Conduct going forward to ensure it continues to be current and relevant.			
RISK AREA	Organizational Culture	**ASSESSMENT**	High
BASIS OF ASSESSMENT	The current Employee Code of Conduct was written in 2001. It has not been updated to reflect emerging ethical risks that have evolved with changes in society, social interaction, and technological advancements.		
MANAGEMENT RESPONSE			
Agree. The Public Service will finalize a process to ensure that the City's Employee Code of Conduct is reviewed at fixed intervals, and that necessary revisions are made to ensure that the Employee Code of Conduct remains relevant and reflects current standards of expected conduct.			
IMPLEMENTATION DATE	Q1 2018		

Ethics Framework Analysis

4.1 Ethics Framework

Issue

- Does the Audit Department have any recommendations on the modernization of the City's Employee Code of Conduct?

Conclusion

- To reflect current trends in ethics practices, we believe that the Public Service should connect the City's updated Employee Code of Conduct with the overall Ethics Framework for the Public Service. A periodic review process should also be developed for the Ethics Framework.

Analysis

- As a part of this report, Council has requested a review of the Employee Code of Conduct to provide recommendations on ways to modernize the code if needed. Research on emerging trends and leading practices relating to an organization's ethical environment show that the development of an Ethics Framework, with the code of conduct being just one of multiple key components, has become an emerging trend in cultivating a strong ethical environment across the Canadian governmental landscape.
- An Ethics Framework refers to an organization's set of ethical policies, activities, processes and other governance structures that cohesively set expectations for acceptable employee behavior, and contribute to building and maintaining an ethical culture.
- The components of an Ethics Framework were defined using research from multiple sources that are generally acceptable and widely accessible to the public, with some sources being from accounting, auditing and ethics bodies. We also researched other jurisdictions to see their depictions of Ethics Frameworks, if they had any. This research suggested various components that should be considered in developing a strong framework, which we compiled, compared and contrasted to analyze consistencies and variations. It should be noted that jurisdictions tailored their frameworks to their organizations based on their specific needs; no component within our framework depiction should be seen as a requirement, but more as a recommendation.
- Our depiction of an Ethics Framework in **Appendix 9** was customized for the City of Winnipeg. It was derived from our research and comparison to what is currently in existence at the City of Winnipeg.

Components of an Ethics Framework

- The benefit of a documented Ethics Framework is to provide clear guidance to employees on expected behaviors, to inform employees about the ethics resources that are at their disposal and where to find them, and to increase awareness and understanding of how the City's policies, standards and processes work together to build a strong ethical environment.
- In Exhibit 3 we assessed current ethical policies and processes within the City against elements included in our depiction of an Ethics Framework (**Appendix 9**). We noted that the City has many of the elements of an Ethics Framework including supporting policies, administrative standards and training options. However, the Ethics Framework has not been formalized to connect the various elements as one overarching area of guidance, increasing the risk of employees not being aware of some of the integral elements of the Ethics Framework.

Exhibit 3

Component	Purpose	City of Winnipeg
Values	Represents an organization's beliefs, defines its culture and establishes expectations for desired employee conduct.	**Partial** – The City has five Corporate Values: Integrity, Accountability, Respect, Diversity, and Quality. These values are not broadly publicized in City documentation and could only be found in the employee orientation materials on the City's intranet site.
Central Standards/Policies	Specific written guidelines, standards and policies that provide direction on appropriate procedures and processes.	**Yes** – These include but are not limited to Council Policies and Administrative Standards, and the Respectful Workplace Statement.
Code of Conduct	Written rules and principles providing guidance and outlining responsibilities and expectations of appropriate behavior in response to ethical situations.	**Yes** – The City has an Employee Code of Conduct.
Tone at the Top	Describes senior management's commitment to leading by example in support of organizational values, its ethical environment and overall culture by displaying exemplary behavior in ethical situations and in day to day routine situations through their actions and decisions.	**Partial** – Roles and responsibilities are documented in the City's Administrative Standards and in the Employee Code of Conduct. There is no cohesive document that joins the City's ethical guidance and outlines senior management's commitment to an ethical workplace.
Monitoring	The process to ensure ethical standards are being implemented consistently in all departments; and that ethical violations are tracked, addressed and reported on.	**Yes** – In the Code of Conduct, the CAO is responsible for ensuring all employees are made aware of and comply with the Code. The City of Winnipeg "Fraud, Theft, Misappropriation or Related Irregularities Administrative Standard" provides guidance on reporting and tracking of ethical violations.
Specified standards and procedures	Documented processes and procedures (that support ethical principles and corporate values) to direct the execution of day-to-day operations and performance of job responsibilities within various departments.	**Yes** – The Employee Code of Conduct is to operate in addition to other directives to employees and all employees are expected to observe the guidelines in the Employee Code of Conduct at all times.

Communication & Training	Ensures employees are well informed on ethical processes and the resources at their disposal and that there is understanding of ethical expectations and responsibilities.	**Partial** – The City of Winnipeg "Employee Education and Development Administrative Standard" provides guidance on the value of education. The Employee Development Branch releases and communicates a course calendar annually.
Reporting Systems	Documented processes that provide a number of ways to report ethical violations in a safe and confidential environment.	**Yes** – The City of Winnipeg "Fraud, Theft, Misappropriation or Related Irregularities Administrative Standard" and "Reporting Fraud Information Sheet".
Ongoing Monitoring & Tracking	Ensures ethical breaches and actions taken to resolve them are documented and reported on; ensures risk analysis is being performed to shed light on gaps in the ethical environment; and ensures adequate controls are in place to reduce the occurrence of ethical violations.	**Yes** – The City of Winnipeg "Fraud, Theft, Misappropriation or Related Irregularities Administrative Standard".
Periodic review and update of standards and guidelines	To assess the state of the organization's ethical climate and effectiveness of strategies, communications, training and other processes that are important to maintain a strong ethical environment.	**No** – There is no documented guidance or timetable on when and how to assess various policies and processes within the ethical environment.

Ethics Framework Components that are documented within the City's Ethical Environment

- Of the framework components depicted in **Appendix 9**, the City of Winnipeg has the following documented guidance in place:
  - Corporate Values
  - Central Standards/Policies
  - The Employee Code of Conduct
  - Reporting and Monitoring Process

Areas for Improvement

- Although the City has many of the elements of an Ethics Framework, there is no documentation and communication of an overarching Ethics Framework that connects and promotes awareness of the various elements of a strong ethical environment. Having a documented framework helps to ensure that employees are sufficiently informed about ethical concepts and expectations, their responsibilities in meeting those expectations, standards to guide behavior, and an understanding of all the resources, training and policies that are available to them.
- In addition to the development of an Ethics Framework, we believe there are elements that require improvement in their documentation and communication.

Values:

- The City's Corporate Values, which are the pillars of ethical behavior in the Public Service, are not easy to identify on the City's website and may be confused with the City's core competencies for all employees (Citizenship & Customer Focus, Respecting Diversity, Integrity & Trust, and Results Oriented). We believe the corporate values should be more easily accessible and more prominent in Public Service documents.
- The Corporate Values are also not found in the Employee Code of Conduct. Professional guidance on codes of conduct recommends that organizational values be included in the code.

Tone at the Top:

- The outlook, decisions and actions of senior leadership play a primary role in the creation of an organization's ethical culture and climate. Visible support for, and consistent application of ethical policies by senior management is essential to an effective ethics framework. We have not observed cohesive guidance or clear communication that highlights the importance of tone at the top and its impact on developing a strong ethical culture and environment in the Public Service's ethics related guidance.

Communication and Training:

- The Public Service does not have written guidance on expectations or requirements regarding training specifically related to ethics. Ethical training is provided in the City's half-day employee orientation course; however, the course is not mandatory for employees.

Periodic review and update of standards and guidelines:

- The Public Service does not have written guidance or processes to periodically review and update ethics standards, guidelines and processes. Periodic reviews are important to evaluate the effectiveness and relevance of strategies, controls, policies and procedures, communications, training and other processes that are important to maintain a strong ethical environment.

Training on the Public Service's Ethics Framework

- A key component to enhancing the City's ethics framework is the availability of ethics-specific training. The research we conducted was consistent in stating that employee training should be completed for an organization's ethics framework. We also observed that the cities of Ottawa and Edmonton have made ongoing code of conduct training mandatory for all city employees.
- We observed that Winnipeg has ethical concepts embedded in numerous of its training courses, including two respectful workplace courses, sixteen different diversity awareness courses, five leadership development courses, and one procurement management course.
- Once the ethics framework is formally documented, it will also be important to train employees on the framework and its requirements. Consistent with other ethical training, we believe the training should be made available to all employees. We also believe the training should be added to the mandatory training for organizational leaders. Leaders must be aware of the new requirements of the framework and are also responsible for ensuring that their staff follows all City standards.

RECOMMENDATION 4			
We recommend that the Public Service: *a) Create a formally documented ethics framework for the Public Service.* *b) Ensure that the framework includes all of the key components for ethics frameworks* *c) Document the linkages between all of the key components of the ethics framework* *d) Communicate the ethics framework to all Public Service employees*			
RISK AREA	Organizational Culture	**ASSESSMENT**	Moderate
BASIS OF ASSESSMENT	Clear framing, documentation, and communication of the expected ethical behaviours of employees is essential for compliance. Employees of various backgrounds may have different conceptions of ethical expectations without a clear framework of the expectations for the Public Service.		
MANAGEMENT RESPONSE			
Agree. The Public Service will create a recommended framework. The Public Service will explore best practices in the communication of such frameworks to all employees, to ensure that it is both communicated and understood by all employees.			
IMPLEMENTATION DATE	Q3 2018		

RECOMMENDATION 5			
We recommend that the Public Service establish a process to periodically review and update the City's Ethics Framework going forward to ensure it continues to be current and relevant.			
RISK AREA	Organizational Culture	**ASSESSMENT**	Moderate
BASIS OF ASSESSMENT	The Public Service has not created a formalized Ethics Framework and, by extension, has also not created to process to review and update the Ethics Framework.		
MANAGEMENT RESPONSE			
Agree. The Public Service will finalize a process to ensure that the framework is reviewed at fixed intervals, and that necessary revisions are made to ensure that the framework remains relevant and reflects current standards of expected conduct.			
IMPLEMENTATION DATE	Q3 2018		

RECOMMENDATION 6			
We recommend that the Public Service develop a training course that is made available to all City employees, and that is mandated for supervisory positions, that educates employees on the City's ethics framework.			
RISK AREA	Organizational Culture	**ASSESSMENT**	Moderate
BASIS OF ASSESSMENT	Communication of and training on organizational policies, standards, and requirements is essential to building and maintaining an ethical culture in the Public Service.		
MANAGEMENT RESPONSE			
Agree. Training materials will be developed concurrently with the development of the ethics framework, which will be made mandatory for supervisory positions. The Employee Development Branch will review all available platforms to determine the most effective methods of delivering the training, as well as ensuring timely updates as necessary.			
IMPLEMENTATION DATE	Q4 2018		

APPENDIX 1 – Risk Assessment Worksheet

Potential Impacts / Likelihood	Insignificant - None or minor change in services, project or processes - Very limited exposure of sensitive information - Very minor, non-permanent environmental damage - Financial impact < $100K	Minor - Minor change in achievement of service objectives - Limited exposure of sensitive information - Minor, non-permanent environmental damage - Financial impact $100K – $500K	Moderate - Moderate change in delivery of essential services - Exposure of limited amount of confidential information - Moderate environmental damage - Financial impact $500K – $1M	Major - Significant change in delivery of essential services - Exposure of significant amount of confidential information - Significant change in quality of life indicators - Major environmental damage - Financial impact $1M – $10M	Extreme - Unable to perform essential services for extended period Exposure of critical confidential information - Very significant change in quality of life indicators - Significant damage to environment - Financial impact >$10M
Almost certain (Excepted to occur unless circumstances change)	M	M	H	C	C
Likely (Probably occur in most circumstances)	M	M	H	C	C
Possible (Might occur under different circumstances)	L	M	M	H	H
Unlikely (Could occur if circumstances change)	L	L	M	H	H
Rare (May occur in exceptional circumstances)	L	L	M	M	M

Legend

C Critical risk:	Requires urgent action, monitor and review at least weekly by Senior Management and COO, inform CAO and Committee of Council
H High risk:	High impact, monitor and review at least quarterly by management, inform COO
M Moderate risk:	Monitor and review at least quarterly by management
L Low risk:	Review periodically, no explicit action required.

APPENDIX 2 – List of Referenced Works

1. Auditor of General City Ottawa, Audit of Ethics, March 2015. http://ottawa.ca/en/city-hall/accountability-and-transparency/office-auditor-general/annual-report-tabled-audit

2. Chartered Institute of Management Accountants (CIMA) & Institute of Business Ethics (IBE), Embedding ethical values, A guide for CIMA partners, 2014. http://www.cimaglobal.com/Documents/Ethics/Embedding_ethical_values-CIMA_partners.pdf

3. City of Toronto, Human Resources Management and Ethical Framework for Members' Staff, August 2014. www.toronto.ca

4. City of Winnipeg, City of Winnipeg Employee Code of Conduct, March 2001. www.winnipeg.ca

5. Consultative Committee of Accountancy Bodies (CCAB), Developing and implementing a code of ethical conduct, a guide for businesses and other organizations, January 2014. http://www.ccab.org.uk/PDFs/Code_Guidance_final_SG_Amends2.pdf

6. Ethics Resource Centre (ERC), Principles and Practices of high-quality Ethics and Compliance Programs, Ethics & Compliance Initiative, 2016. www.ethics.org

7. Falcione, Andrea and Renee M. Sophocles, Developing an Engaging Code of Conduct and an Effective Code Program, Standards Australian International (SAI Global), February 2012. www.saiglobal.com/compliance

8. Flesh, Rudolf, How to Write in Plain English, Chapter 2: Let's start with the formula, Management, Marketing and Entrepreneurship University of Canterbury. Retrieved September 13, 2016. http://www.mang.canterbury.ac.nz/writing_guide/writing/flesch.shtml

9. Institute of Internal Auditors (IIA), Evaluating Ethics-Related Programs and Activities, IPPF Practice Guide, June 2012. www.theiia.org

10. KPMG, City of Calgary, Ethics Program Assessment, July 2015. http://www.calgary.ca/Auditor/Pages/City-Auditor-reports.aspx

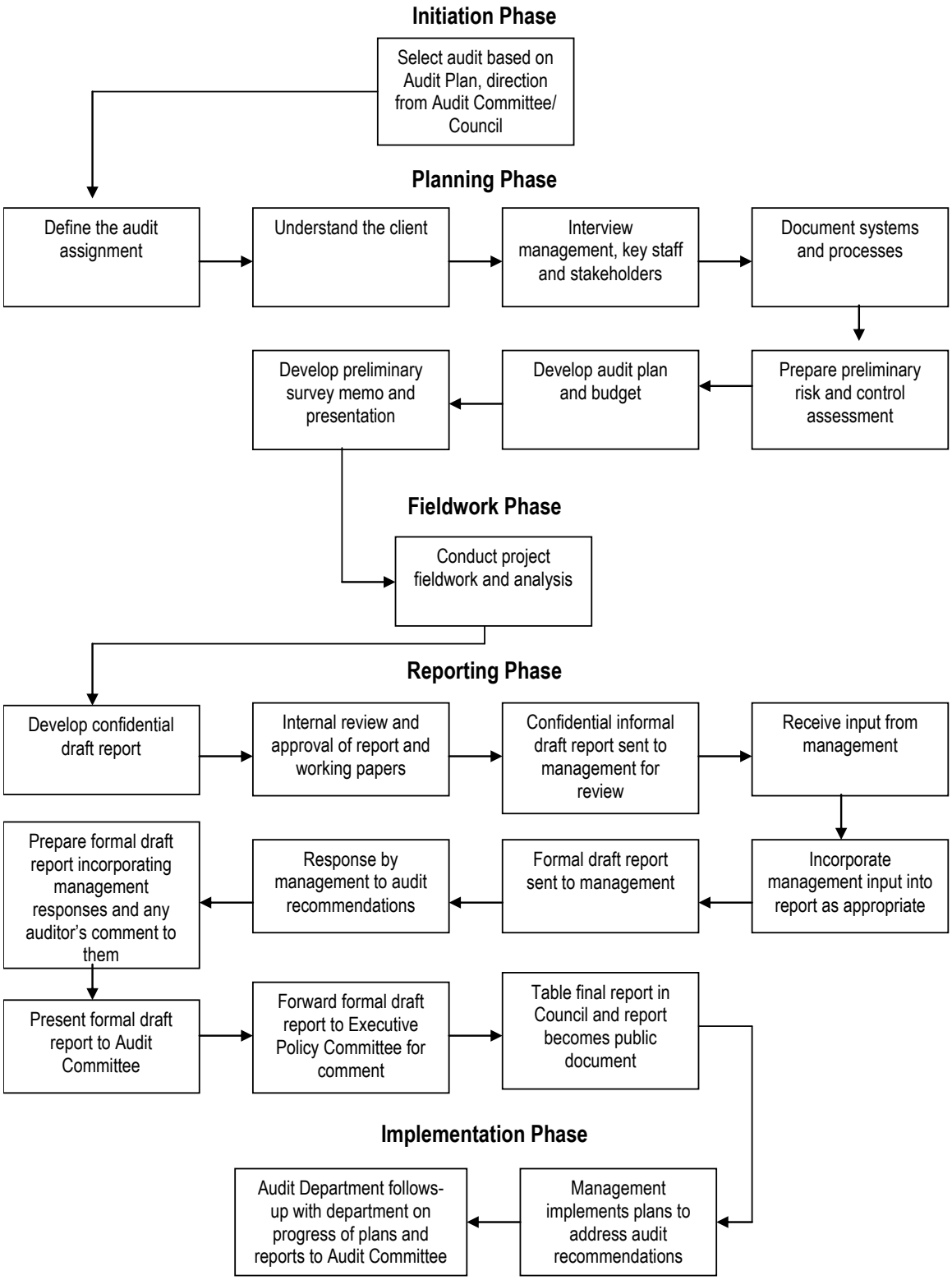
11. Office of the Auditor General Manitoba, Manitoba's Framework for an Ethical Environment, March 2014. http://www.oag.mb.ca/wp-content/uploads/2014/03/Chapter-7-MB-Framework-for-an-Ethical-Environment-Web.pdf

12. Office of the City Auditor Edmonton, City of Edmonton Ethics Framework Evaluation, July 2005. https://www.edmonton.ca/city_government/documents/PDF/05146_Ethics_Framework_Evaluation.pdf

13. Professional Accountants in Business Committee, I*nternational Good Practice Guidance.* Defining and Developing an Effective Code of Conduct for Organizations, International Federation of Accountants (IFAC), June 2006.

14. Organization for Economic Cooperation and Development (OECD), Recommendation on Improving Ethical Conduct in the Public Service Including Principles for Managing Ethics in the Public Service. 1998. www.oecd.org

APPENDIX 3 – Audit Process



APPENDIX 4 – Summary of Recommendations

Focus Area	Rec. #	Recommendation	Priority
Organizational Culture	1	*We recommend that the Public Service update the City's Employee Code of Conduct to incorporate the key characteristics for codes.*	High
Management Response Agree. The Public Service will review best practices in this area, including those appended hereto, in order to update the City's Employee Code of Conduct. Implementation date: Q1 2018			
Organizational Culture	2	*We recommend that the Public Service revise the City's Employee Code of Conduct to define the term "conflict of interest".*	High
Management Response Agree. The Public Service will provide a clear, plain language definition of "conflict of interest", and incorporate same into the revised Employee Code of Conduct. Implementation date: Q1 2018			
Organizational Culture	3	*We recommend that the Public Service establish a process to review and update the Employee Code of Conduct going forward to ensure it continues to be current and relevant.*	High
Management Response Agree. The Public Service will finalize a process to ensure that the City's Employee Code of Conduct is reviewed at fixed intervals, and that necessary revisions are made to ensure that the Employee Code of Conduct remains relevant and reflects current standards of expected conduct. Implementation date: Q1 2018			
Organizational Culture	4	*We recommend that the Public Service:* *a) Create a formally documented ethics framework for the Public Service.* *b) Ensure that the framework includes all of the key components for ethics frameworks* *c) Document the linkages between all of the key components of the ethics framework* *d) Communicate the ethics framework to all Public Service employees*	Moderate

Focus Area	Rec. #	Recommendation	Priority
Management Response Agree. The Public Service will create a recommended framework. The Public Service will explore best practices in the communication of such frameworks to all employees, to ensure that it is both communicated and understood by all employees. Implementation date: Q3 2018			
Organizational Culture	5	*We recommend that the Public Service establish a process to periodically review and update the City's Ethics Framework going forward to ensure it continues to be current and relevant.*	Moderate
Management Response Agree. The Public Service will finalize a process to ensure that the framework is reviewed at fixed intervals, and that necessary revisions are made to ensure that the framework remains relevant and reflects current standards of expected conduct. Implementation date: Q3 2018			
Organizational Culture	6	*We recommend that the Public Service develop a training course that is made available to all City employees, and that is mandated for supervisory positions, that educates employees on the City's ethics framework.*	Moderate
Management Response Agree. Training materials will be developed concurrently with the development of the ethics framework, which will be made mandatory for supervisory positions. The Employee Development Branch will review all available platforms to determine the most effective methods of delivering the training, as well as ensuring timely updates as necessary. Implementation date: Q4 2018			

APPENDIX 5 – Ottawa Code of Conduct



This copy of the
City of Ottawa's
Code of Conduct
belongs to:

2014098061-02

SEPTEMBER 2014

A message from the City Manager



As an employee of the City of Ottawa I share your commitment to preserving the public's trust and confidence in the City, staff and the work we do to serve the community. The City of Ottawa's *Code of Conduct* has been specifically developed with two objectives in mind: to advance the goal of preserving public trust and confidence in the City and to assist employees in applying the City's core values in the completion of their work.

It is built on the understanding that we can and should demonstrate to the citizens of Ottawa that we are working to standards that are designed to strengthen public trust and confidence in our work and the services we deliver.

The principles set out in the *Code of Conduct* guide the work we do. As you read through these pages you will see that the *Code of Conduct* does not provide all the answers; instead it acts as a touchstone for questions, and reminds staff how the City's core values can be applied in various situations.

What makes this organization great, is its employees. This *Code of Conduct* benefits the organization by supporting and helping employees better serve the residents of Ottawa.

I believe that the *Code of Conduct* reflects the fact that staff work to the highest ethical standards as public servants every day. Thank you for your ongoing commitment and dedication to our organization and the important work that we do.

Kent Kirkpatrick



This is the foundation of public service. Public service is a public trust. A public service that does not have integrity will never gain the public trust.

This *Code of Conduct* reflects the shared values that we hold as public servants for the City of Ottawa: the values that preserve the integrity of our municipal government.

If you have integrity, nothing else matters.
If you don't have integrity, nothing else matters.
- Alan Simpson

Our Shared Values

Integrity is the foundation of public service and our shared values are the pillars that support it.

As City employees, we are proud to perform our work with:

- **Transparency**
- **Impartiality**
- **Respect**
- **Accountability**

Without all of these, there can be no integrity.

Why is it important to have a Code of Conduct?

A *Code of Conduct* sets out the core values we apply to our everyday experiences. When we demonstrate these values, we build a City with integrity that has the trust and confidence of the public.

City employees have, and should be seen to have, the highest standards of ethical behaviour – anything less undermines our integrity, our effectiveness, and ultimately our reputation.

Nothing in this *Code* is meant to conflict with the City's obligations to its employees under its various collective agreements or employment contracts. Similarly, some employees (including doctors, nurses, engineers, lawyers and accountants) may have professional obligations and should seek clarification from both their manager and their professional associations in the case of a perceived conflict.

As employees of the City of Ottawa, this is <u>our</u> Code.

This *Code of Conduct* does not answer every question that is going to come up. Rather, it is designed to promote ethical decision-making and behaviour, to make us think about how ethics guide us in doing our jobs and to reinforce the expectations of us. It is about making ethics and integrity part of the way we think about doing our jobs.

Ethical behaviour is not about finding all the right answers – it is about asking all of the right questions, like:

- Am I putting my own interests before the City's?
- Would I make the same decision if my managers, the public or the media were watching me?
- Will I owe someone a favour if I do this?
- Would I be offered this if I weren't an employee of the City?

If you have a question or if you're looking for guidance, ask your manager or ask the City Solicitor.

Ask until you get an answer.

Transparency

Whenever you do a thing,
act as if all the world were watching.
- Thomas Jefferson

Why is transparency important?

As public servants we are accountable for what we do and our accountability is ensured by transparency. We must be open and honest in dealing with our managers, the public and City Council. We owe it to the public to not just do our jobs well, but to be open and honest about what we do.

What we do...

Where there might be a conflict between our personal interests and those of the City, we disclose that fact immediately, in writing, and seek guidance from our managers.

We abide by the laws and City policies that apply to such things as keeping records of our important decisions, the retention of records and freedom of information.

We provide full written disclosure when offering information.

We understand that, over time, circumstances can change and we may need to disclose again: the obligation to disclose is a continuing one.

Related Policies

Disposal of Fleet Vehicles and Equipment
Purchasing By-law

Impartiality

Live so that when your children think of fairness and integrity, they think of you.
- H. Jackson Brown, Junior

Why is impartiality important?

As public servants, we have to do our jobs with the City of Ottawa's best interests in mind, not our own. We have to do our jobs without bias, without favour and without allowing outside interests to conflict with work decisions.

What we do…

We make work decisions without consideration of our personal interests or those of our family and friends.

When buying goods or services, we comply with the City's procurement by-laws and policies.

We ensure that our outside activities do not conflict with our jobs.

We do not…

Participate in decisions that benefit ourselves or our friends and family.

Supervise members of our family or make decisions that affect their employment.

Accept gifts, hospitality or entertainment from people who do, or want to do, business with the City.

Related Policies

Concurrent Employment
Gifts and Entertainment
Hiring and Employment of Family Members

A NOTE ON FAMILY

The City of Ottawa recognizes how important our families are to us, and the importance of close family relationships. We need to be aware that, in this *Code of Conduct*, the interests of our families are also our own interests.

What is important is making sure that we do not use our positions as City employees to give preferential treatment, whether it is to ourselves, our families or our friends.

The City takes a broad approach to the term "family" and it may include relatives beyond what might generally be considered "immediate family", such as cousins, in-laws, etc.

If in doubt about something, ask your manager.

Impartiality - Avoiding conflicts of interest

Why is this important?

Avoiding conflicts of interest is one of the fundamental principles of ethical behaviour. Public confidence in the City can exist only if employees are known to be acting in the public interest, rather than pursuing their own interests.

If faced with a situation where you could directly benefit from a decision you make, you need to disclose your interest, in writing, to your manager and remove yourself from the decision-making process.

The need for disclosure and withdrawal from the decision-making process applies not only to financial interests, but includes any personal benefit, or any benefit to your family and friends.

You also have to be mindful that there are situations where it might look to someone else that you have conflicting interests.

> **Ask yourself this question:** Would someone who knew all of the details of the situation think I might have a conflict of interest?
>
> If the answer is "yes", then disclose the situation to your manager.

After you have disclosed an actual or potential conflict of interest, you need to avoid any involvement in the matter. That is why disclosure is important: so that others know not to involve you as well.

Impartiality - Employment matters

Why is this important?

We encourage public confidence by ensuring that City business is conducted fairly and free from nepotism. This leads to a shared expectation that all hiring, promotions, performance appraisals and discipline will be undertaken in an impartial manner. Impartiality in employment matters also helps to ensure that the City respects its collective agreement obligations.

The City does not allow family members to be:

- Supervised by or subordinate to one another
- Given preferential treatment in being recruited or selected for vacancies
- Appointed to positions where job responsibilities are incompatible with positions occupied by other family members

If you find yourself in a situation like those described above, or in any other situation that could raise a concern with nepotism, you should disclose it to your manager.

Impartiality - Outside activities

Why is it important?

The City of Ottawa encourages employees to become involved in their community, including participation in such things as community organizations, advocacy groups or charitable associations.

However, it is also possible that some outside activities can interfere with our ability to do our jobs or may undermine the neutrality of the City. It is our shared responsibility to prevent situations where the perception of conflict of interest exists.

What we do...

We remove ourselves from decisions that might affect, or might be seen to affect, the interests of other groups or organizations that we participate in.

We seek a leave of absence if we want to run for elected office, even if it is outside the City or with another level of government, board or committee.

We do not...

Take on other work that,

- Conflicts with our City hours of work
- Interferes with the efficient performance of our duties
- Competes with City services
- Creates a real or perceived conflict of interest with our City duties

Impartiality - The duty of loyalty

Why is loyalty important?

Ottawa City Council is the elected voice of the citizens of the City of Ottawa. Its members have been elected to set the policy direction of the municipality.

The public has an interest in ensuring that City of Ottawa employees are committed to carrying out the will and decisions of City Council, and that public servants are, and are perceived to be, impartial in carrying out their duties.

Given the public interest in an impartial public service, employees must exercise restraint in any criticism of City of Ottawa policy and consider how their public comments may affect the public perception of the City.

What we do...

We recognize that City Council is the elected voice of the citizens of the City of Ottawa and we respect the decisions of City Council.

We distinguish between our personal comments or opinions and our jobs with the City.

We do not...

Make comments that disparage or harm the reputation of the City, Council or our co-workers.

Claim to speak on behalf of the City unless we have been authorized to do so.

Make personal comments using City letterhead, our City e-mail address or anything else that implies a connection between our personal comments or opinions and the City.



Respect

Find out what it means to me.
- Aretha Franklin

What does it mean at the City of Ottawa?

We are guardians of public funds and responsible for delivering a wide range of important public services, which are supported by members of the public through their taxes. We owe the public nothing less than our full commitment to doing the best job we can.

Our own actions reflect on our co-workers and define our workplace. We have an obligation to help build pride in our City, to respect the dignity and diversity of our colleagues and to treat them as we would like to be treated ourselves.

While it takes hard work to gain the respect of others, even small lapses can erode confidence in the City. To ensure that our conduct does not diminish respect for ourselves, our co-workers and for the City, we maintain and exemplify the highest standards of behaviour.

Related Policies

Corporate Vehicle and Equipment Idling
Equity and Diversity
Hospitality (Internal) for City Employees
Personal Use of City Vehicles
Petty Cash Funds and Change Floats
Responsible Computing
Violence in the Workplace
Workplace Harassment

Things we do to show respect...

- We devote ourselves fully to our jobs during our working hours and do not allow our personal activities (e.g. reading a magazine, surfing the internet, etc.) to interfere with our work.

- We ensure that all property (including cash, cheques, documents, inventories and equipment) in our care as part of our job is properly secured and protected at all times.

- We handle sensitive and confidential information with care and disclose only in accordance with the Municipal Freedom of Information and Protection of Privacy Act ("MFIPPA").

- We keep records of our important decisions.

- We are honest, polite and courteous when we deal with people, whether they are members of the public, City Council or our co-workers.

- We recognize that we are the public face of the City, so we dress appropriately.

- We foster an atmosphere of collegiality and support our co-workers in their work.

- We provide excellent customer service every day.

We do not...

- Harass or intimidate others. The City has absolutely no tolerance for this kind of behaviour.
- Download or install personal software without prior written consent from management.
- Manipulate, falsify, alter or amend documents, information or records for fraudulent purposes.
- Access, distribute or display inappropriate material (including sexually explicit, discriminatory, abusive, defamatory or obscene material) using City property, including the City's computer network.
- Publicly disparage the City, our co-workers or City Council.

Related policies

Access to Employee Files Procedures
Re-employment

Accountability

The ancient Romans had a tradition: whenever one of their engineers constructed an arch, as the capstone was hoisted into place, the engineer assumed accountability for his work in the most profound way possible: he stood under the arch.

- Michael Armstrong

Why is accountability important?

This *Code of Conduct* sets out a vision of City of Ottawa employees as transparent, respectful and impartial. We are proud to live these principles in our work every day and we encourage accountability in this regard. We know that breaches of the values set out in this *Code* can only erode our reputation and, ultimately, our integrity. We owe it to the taxpayer and to ourselves to be accountable for our actions.

What we do…

- We know the *Code* and comply with its principles.
- We disclose breaches of the *Code* immediately, whether they are committed by ourselves or a co-worker.
- We fully cooperate with investigations into alleged wrongdoing.
- We understand that breaches of the *Code* shall be subject to disciplinary action, up to and including termination.
- We seek interpretation of the *Code* from the City Clerk and Solicitor's office.
- We make observance of the *Code* part of our daily work and review the Code as part of our annual performance planning cycle.

We do not...

- Retaliate against anyone who has come forward with a complaint, or any witnesses to complaints.
- Assume that violations of the values in this *Code* are someone else's problem.

Reporting and Whistleblower Protection

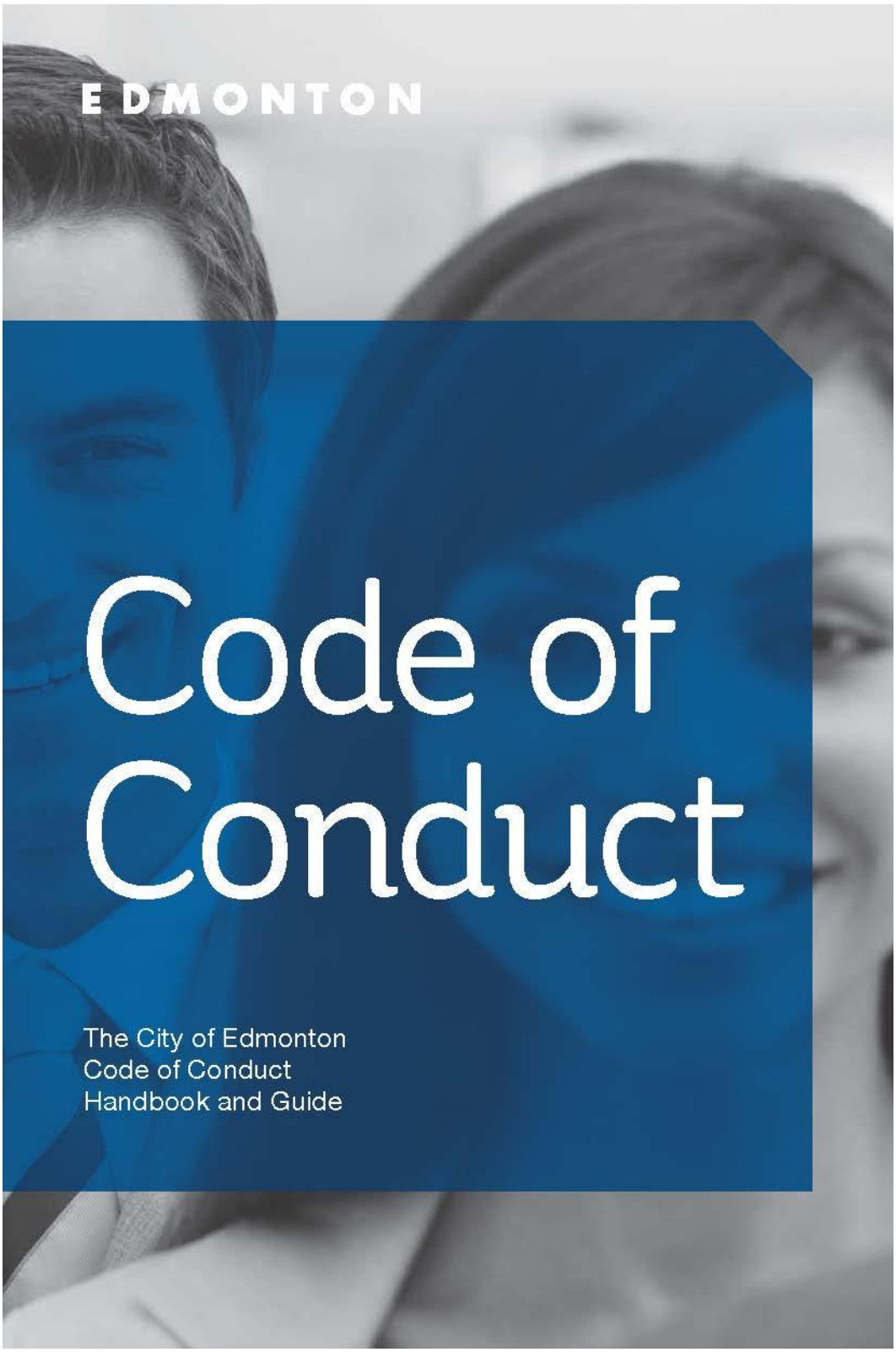
If you become aware of a violation of the *Code of Conduct* or another City policy, you should report the matter to your manager, the City Solicitor, the City Manager or the Auditor General.

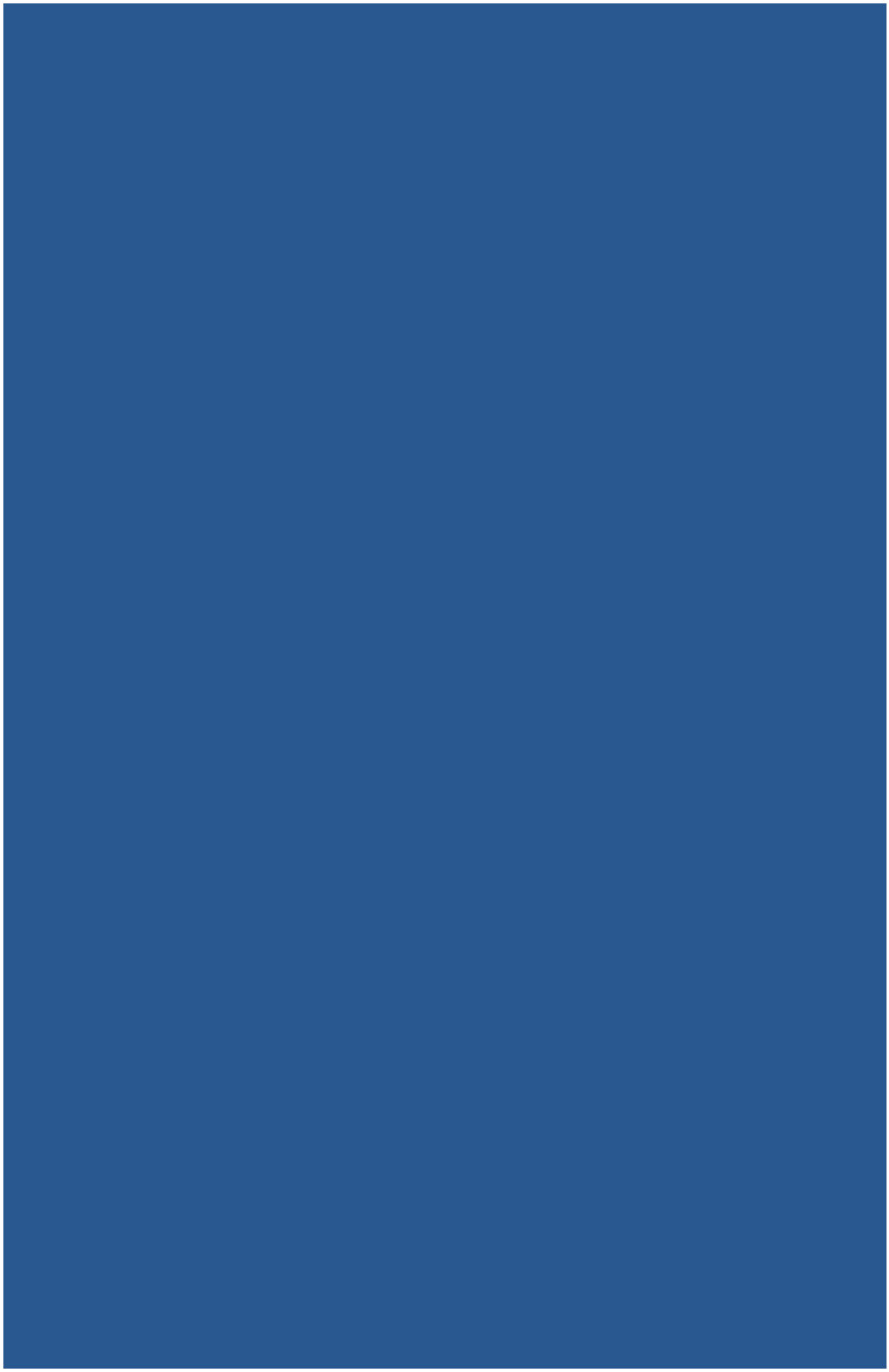
No employee will be disciplined for making a report in good faith about a violation of this *Code of Conduct* or another City policy, nor will the City tolerate any retaliation against an employee who has made such a complaint or participated in an investigation. However, an employee making false accusations will be disciplined.

Related Policies

Discipline – Corporate Policy
Fraud and Other Similar Irregularities

APPENDIX 6 – Edmonton Code of Conduct Handbook and Guide





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Why have a Code of Conduct?

The Employee Code of Conduct Directive/ Procedure A1100 and this handbook collectively referred to as the "Code of Conduct" explain the expected rules of behaviour. It states values, provides guidance and recommends action so all employees know exactly what is expected of them. The Code of Conduct creates an environment that encourages a specific standard of behaviour, supports our Leadership Principles, lessens confusion and promotes equality and respect within the workplace.

When all employees are treated equitably – with dignity, respect and trust – they feel valued and are more likely to perform well and to enjoy their jobs. This, in turn, enhances our effectiveness as City employees, and promotes public confidence in the integrity of City services.
The Code of Conduct and its related policies are critical to both our success and our reputation. All City employees are governed by and required to follow all City policies and directives (including related procedures, handbook, and guidelines).

The information in this booklet is not new to you; it is the foundation upon which this organization is built. This Code of Conduct is simply a reminder of the policies and principles of conduct the City has always embraced.

A complete copy of the Employee Code of Conduct Directive is available on the City's website: **www.edmonton.ca**.

How does the code affect me?

The City of Edmonton acknowledges it is only through the commitment of our employees that we are able to deliver quality service and maintain public trust. As our most valued asset, City employees must be above reproach in their professional dealings and must demonstrate the highest standards of behaviour as stewards of the City. "As stewards we lead" (Leadership Principles, 2011) means that as employees we support the City and our colleagues, and we hold responsibility for the assets entrusted to us by citizens. We are accountable to the City, City Council and the citizens of Edmonton. It is with this in mind that every City employee is expected to be aware of, and comply with the Code of Conduct, Respectful Workplace Directive, the Leadership Expectation and Principles, and other policies and directives that govern employee behaviour.

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Disclosure

If you think you may be in violation of the Code, address the situation and make full and prompt disclosure to your supervisor. Any suspected non-compliance by another employee must also be promptly reported to your supervisor.



Anyone who knowingly makes a false accusation about non-compliance will be subject to disciplinary action.

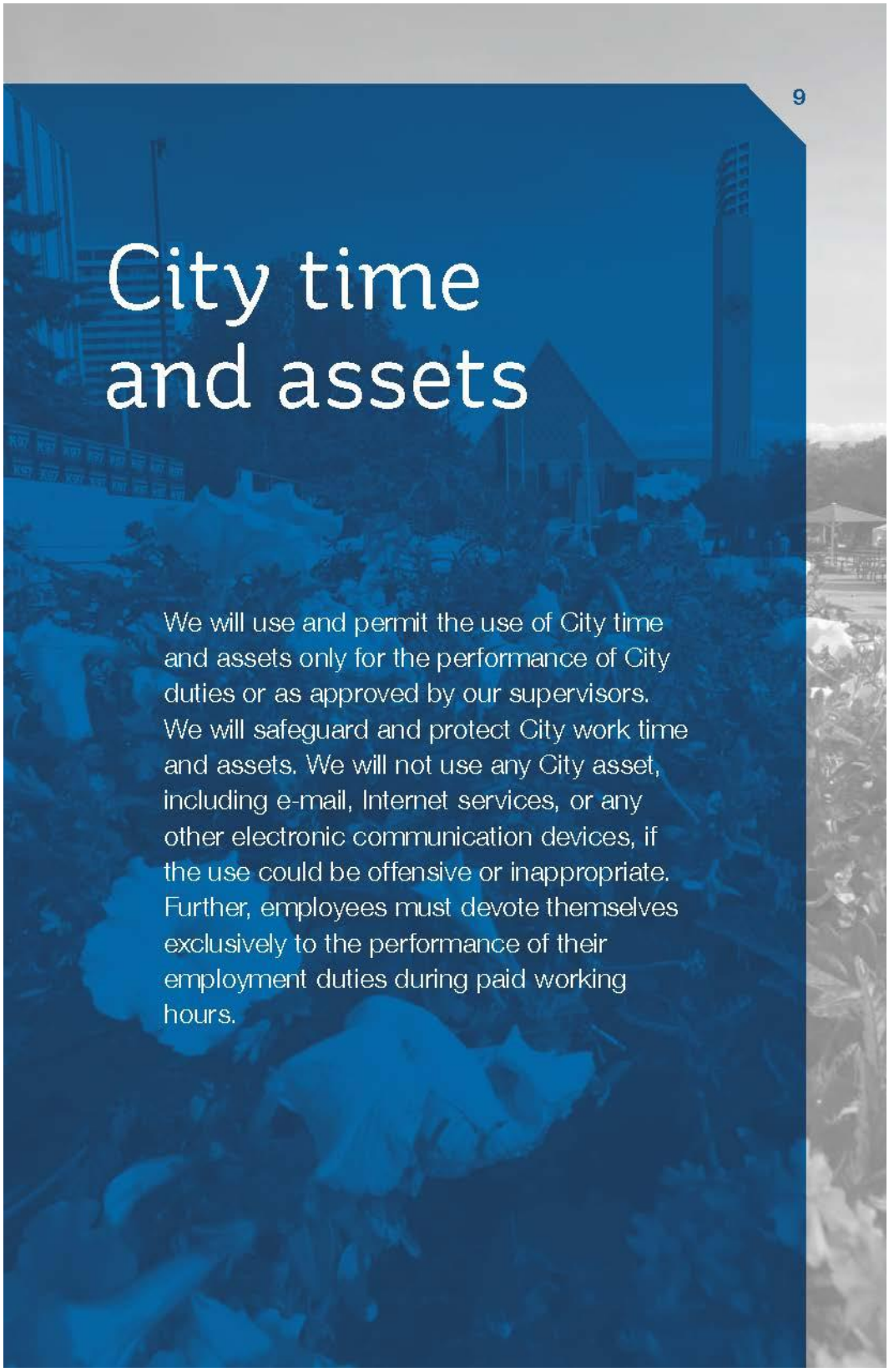
Ethical questions

The Code of Conduct can't outline every situation or relationship that might create a conflict of interest. Each of us must understand and apply basic ethical standards ensuring our behaviours and actions do not violate an employee's basic duty of loyalty to the City. Rest assured that all of us, at some point, are faced with ethical dilemmas and must struggle to find an answer to the question, "What is the right thing to do?".

When in doubt, talk to your peers or to your supervisor(s). If you can't arrive at an answer or if your issue is too sensitive to discuss with a peer or supervisor, feel free to access the following City resources for advice:

- Any supervisor
- Any manager
- General manager(s)
- City Manager
- City Auditor
- Labour Relations or other Human Resources representatives
- City Chaplain
- FOIP coordinator
- Corporate Security
- Employee Assistance Program Provider

Employees always have the option of speaking to any of the supervisors, managers, or leaders in the organization to get advice and guidance on the Code of Conduct. Find someone you are comfortable speaking with and get the information you need.


9
City time and assets
We will use and permit the use of City time and assets only for the performance of City duties or as approved by our supervisors. We will safeguard and protect City work time and assets. We will not use any City asset, including e-mail, Internet services, or any other electronic communication devices, if the use could be offensive or inappropriate. Further, employees must devote themselves exclusively to the performance of their employment duties during paid working hours.

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WHAT DOES THIS MEAN?

City employees are required to care for City assets which includes all property, equipment, software, information and time. City assets may only be used for City purposes or as approved by your supervisor.

WHY IS THIS IMPORTANT?

The City, like any organization, cannot afford to waste time, money or resources. We serve all the citizens of Edmonton and our work is paid for by their tax dollars. To do our jobs properly, we need to have all resources available at all times. Whether the asset in question is work time, a City vehicle or a computer, it must be ready and available to do the assigned task.

THINGS TO DO

- Respect City assets and take proper care of them
- Use City assets only for City work
- Reimburse the City promptly for any personal costs (long distance calls, photocopying)
- Obtain approval for exemptions

THINGS NOT TO DO

- Take home City assets for personal use without prior approval
- Use your City vehicle for personal business
- Install personal software on City computers
- Download software on City equipment without prior approval
- Store large amounts of non-work-related data on City computers
- Access, communicate, distribute or display racial or ethnic slurs, threats, insults, obscenities, abuse, defamation or sexually explicit material on City computers
- E-mail or use of any other electronic communication devices for non-work-related material without permission from your supervisor



The City has no tolerance for abuse of its e-mail, Internet connections or any other electronic communication devices that could be deemed as offensive or harassing, such as hate material, racial and ethnic slurs, Internet gambling and sexually explicit material. Accessing, creating, viewing, sending or downloading of inappropriate material will be dealt with severely. Any violation will result in discipline up to and including termination of employment.

TIPS TO SECURE AND PROTECT CITY ASSETS

Security is everyone's business and we all have a role to play

- Keep your ID card secure and visible
- Engage strangers and visitors not wearing ID cards
- Use customer service skills to engage unknown persons, such as "How may I help you?" or "Let me take you to that person."
- Prevent unauthorized access
- Escort visitors to and from entry points
- Do not prop secured doors open
- Protect and secure all sensitive information. Devices and records should never be left unattended.
- Do not download confidential information such as credit card numbers, personally identifying information, confidential third party or City information to your personal phone or other device without permission from your supervisor
- Lock filing cabinets, portable devices, documents and computers before you leave
- Do not respond to spam
- Have a good, strong password
- Use only City-supported USB drives
- Report crimes in progress to 911, if after the fact call EPS at 780-423-4567 and Corporate Security at 780-496-8888

FREQUENTLY ASKED QUESTIONS

Q **Can I photocopy my son's hockey schedule for him and his teammates?**

A One or two copies is not an abuse of City assets. Multiple copies, or repeated use of City equipment, require supervisor approval and reimbursement to the City.

Q **Can I help myself to things the office is throwing away or declaring surplus?**

A **No.** Articles in the garbage are still considered City assets. If you are interested in purchasing an item that has been declared surplus, contact the City's Surplus Disposal Agent.

Q **Can I use the Internet at work to plan my vacation and book my airline tickets?**

A **Yes,** provided you do it on your own time (i.e. lunch, coffee breaks), there are no costs to the City and your activity does not place City computer systems at risk.

Q **Is it appropriate to sell chocolates or raffle tickets or collect money for charitable associations at my work site during normal working hours?**

A This is acceptable, subject to approval by your immediate supervisor.

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Q **Can I access City assets for occasional personal use? What about infrequent phone calls? Can I call my child's daycare or make a medical appointment?**

A **Yes.** Incidental use of City assets for personal reasons is allowed as long as there is no negative impact on your performance, no abuse of paid work time or no added cost to the City. This includes telephone and cellular phone use.

Q **I have to take a City vehicle home at night. If the grocery store is not out of my way, can I stop in the City vehicle?**

A **No.** Employees who are provided with a vehicle for City work are expected to use the shortest route between their assigned work location and their residence, without stopping for private purposes.

Q **Can I do personal work at my workstation during lunch hour?**

A Incidental use of your work station is permissible as long as you are doing the work on your own time and there is no cost to the City.

Q **What should I do if I receive chain letters or offensive jokes and pictures at my work e-mail address?**

A Delete them immediately and tell the sender to stop sending them to your City address. You should also consider informing your supervisor depending on the frequency or content of the emails. We are all responsible for ensuring the City's email and systems are used appropriately.

Q **What should I do if I see an employee siphoning gas from a City vehicle?**

A Report the incident to your supervisor or to Corporate Security.

RELATED RESOURCES

- Acceptable Use of Communication Technology (Electronic media) A1429
- Corporate Records and Information Management Directive A1410
- Corporate Security and Risk Management Manual
- Fraud Directive A1454
- Handling City Money A1200
- Hiring Directive A1104
- Operating and Maintaining City Vehicles and Equipment Directive A1416

Smell test

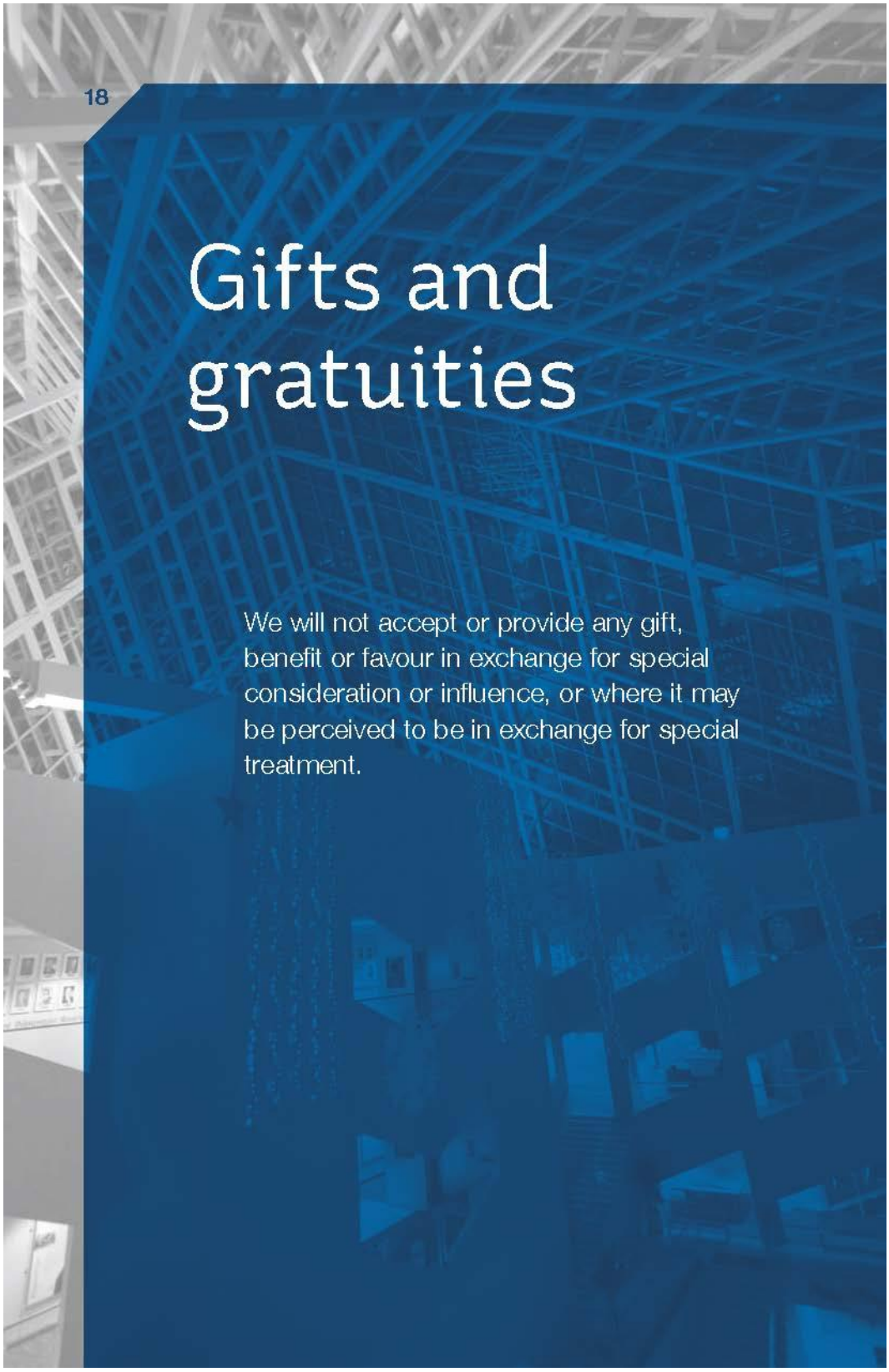
Each of us make work-related decisions everyday. Sometimes, outside interests can make these decisions more difficult. When in doubt about what to do, ask yourself the following questions:

- **Will this result in a personal gain or benefit?**
- **Could an outside person, co-worker or the media perceive this action as unethical?**
- **Will I owe somebody something as a result of this action?**
- **Was this gift/action intended to influence my decision?**
- **Would I hesitate to take this action or to allow my employees to take this action in my own company?**
- **Could my comments on social media or in a public forum be considered negative, derogatory or be taken as a criticism of the City of Edmonton or a fellow City employee?**

If you answered "yes" to any of these questions, you may have an ethical dilemma. Change your actions or seek advice. If you're still not sure, ASK again and keep ASKING until you get an answer. A simple rule of thumb - "if in doubt, don't." You are encouraged to access the following City resources for advice:

- Any supervisor
- Any manager
- General manager(s)
- City Manager
- City Auditor
- Labour Relations or other Human Resources representatives
- City Chaplain
- FOIP coordinator
- Corporate Security
- Employee Assistance Program Provider

Employees always have the option of speaking to any of the supervisors, managers, or leaders in the organization to get advice and guidance on the Code of Conduct. Find someone you are comfortable talking to and get the information you need.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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.

WHAT DOES THIS MEAN?

Employees must not give or receive gifts in exchange for actual or perceived special consideration or favours.

WHY IS THIS IMPORTANT?

Although most gifts come with no strings attached, there is always the chance that something is expected or perceived to be expected in return.

THINGS TO DO

- Use the smell test before accepting any gift or gratuity. Consider how the acceptance of the gift would be perceived by the media, Council and a company's competitors
- Refuse cash tips or in kind gifts
- Decline gifts that could be viewed as an exchange for a favour
- Decline gifts from potential vendors or interested parties during or in anticipation of the purchasing or tendering process
- Decline the gift or ask your supervisor if you are unsure

FREQUENTLY ASKED QUESTIONS

Q **The City is in the process of awarding a contract and I am involved in the decision process. One of the bidders has offered to take me to an Oilers' game. Can I accept the invitation?**

A **No.** The perception is that the bidder could be given special consideration or favours in return for the ticket(s).

Q **I'm a collector in Waste Management. Some of the seniors on my route like to give me a cash tip at Christmas. I don't want to be impolite by rejecting what is a kind and sincere gesture. How should I respond? Can I accept any gifts?**

A Politely explain that you appreciate the gesture but the City already compensates you. It is unacceptable to accept cash, loans, free services or individual discounts but civic employees may accept:

- Small holiday gifts showing appreciation (cards, cookies, chocolates)
- Advertising material (calendars, scratch pads, disposable pens, t-shirts, caps)
- Corporate discounts that are available to all City employees
- Protocol items (symbolic or ceremonial gifts)

Q **The City paid for me to attend a conference and I won a door prize. Can I accept it? Can I accept an honorarium?**

A You can accept the door prize but if the prize is of significant value, you should advise your supervisor. You are not permitted to accept a cash honorarium.

Q **I am helping to organize my department's annual golf tournament. Can I solicit local merchants for prizes? Can I solicit other departments for prizes?**

A **Yes,** with permission from your general manager. You can solicit local merchants as long as you do not use a City vendor list. You can also approach other City departments for prizes; however, please be aware the departments are the stewards of the assets within their control and your request will be considered in the same way as one from an external person or organization.

RELATED RESOURCES

- Fraud Directive A1454

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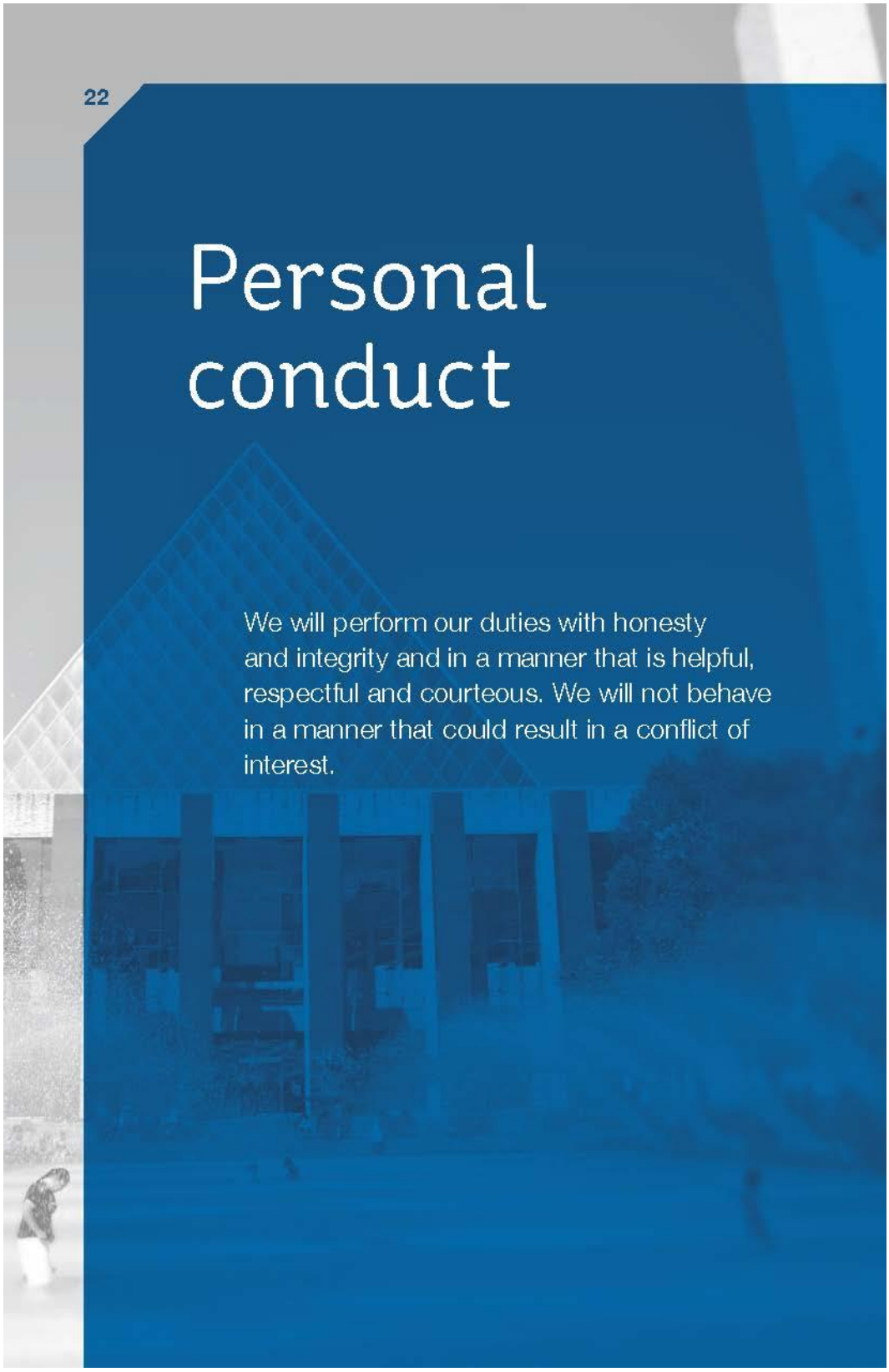
Personal conduct

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.



WHAT DOES THIS MEAN?

Employees will do their jobs to the best of their ability, conduct themselves appropriately and will be considerate and helpful to all people, both internally and externally.

WHY IS THIS IMPORTANT?

It takes the effort of each and every employee to make the City of Edmonton a great place to live, learn, work and play. The best way to maintain good working relationships is to treat every person the way you want to be treated.

This is particularly important for municipal employees because the public often sees us as ambassadors for the City and this is reflected in the Leadership Principle "As stewards we lead". We must be seen to be taking care of the City's assets and its citizens. As such, it is our responsibility to care for the community and to make sure Edmontonians get the best value for their tax dollars. This means working to maintain the public's confidence by acting courteously and responsibly and by providing the best possible level of service.

THINGS TO DO

- Practice common courtesies, such as “please” and “thank-you”
- Treat people as you want to be treated
- Represent the City in a positive way
- Be honest with people
- Make every person feel important
- Take on a customer-service focus
- Exercise diplomacy and tact when dealing with difficult people
- Respond promptly to requests for information or assistance

FREQUENTLY ASKED QUESTIONS

Q **Do I have to follow the Code of Conduct when I’m off duty but still in my City uniform?**

A **Yes.** When you are in uniform, the public identifies you as a City employee and may assume you are performing City duties.

Q **Can I use social media venues such as Twitter, Facebook or my personal blog to voice my opinions about Council decisions, fellow employees or my workplace?**

A **No.** If it is reasonable that you could be identified as a City employee, you may not voice personal opinions in public forums. Your social media accounts have personal profile pages and that information can be used to identify you as a City employee.

Q **In my job, I'm in regular contact with angry people. How do I deal with abusive and profane language?**

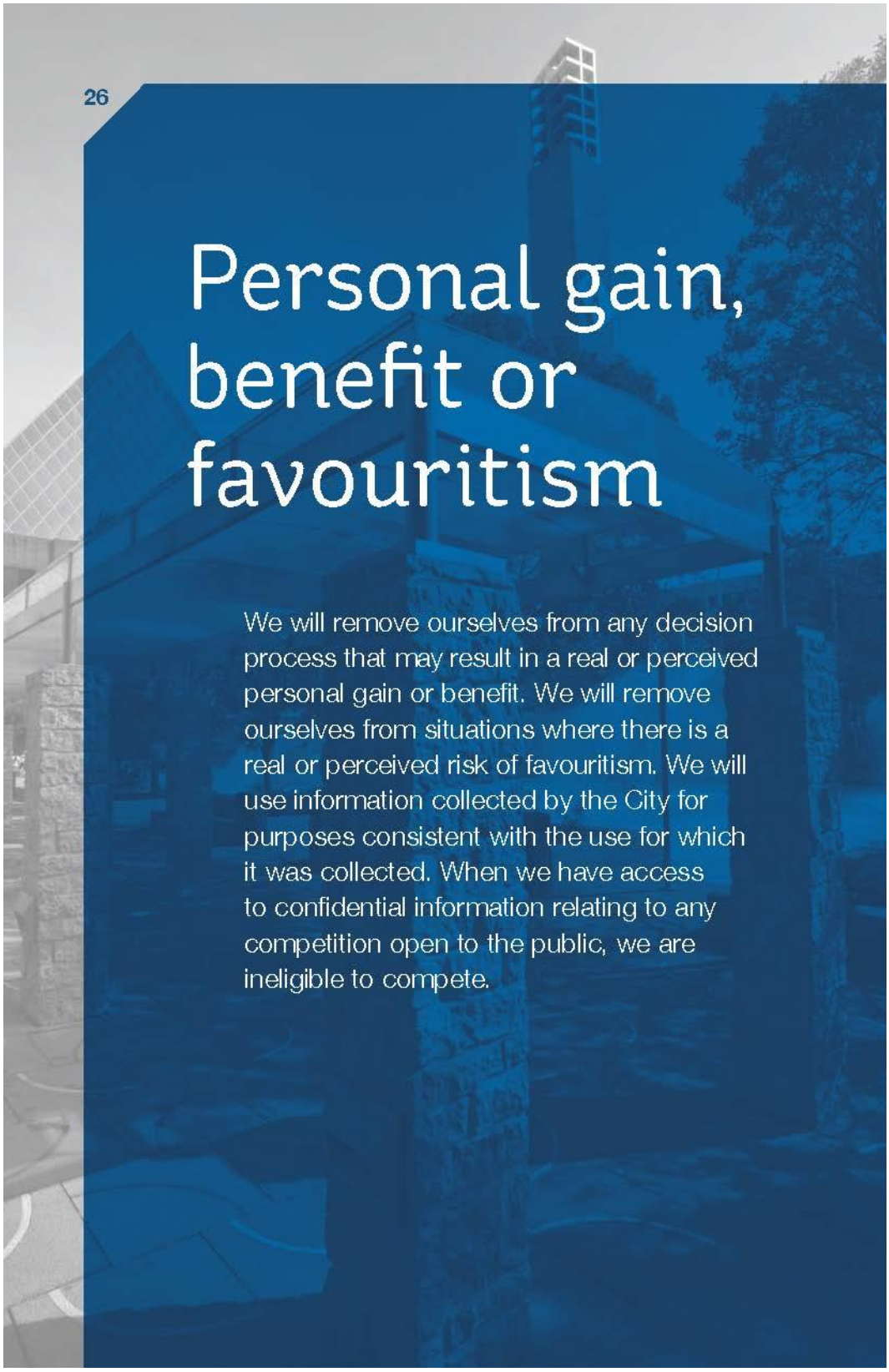
A Pay genuine attention to the person and project a positive, courteous attitude. Be helpful and do what you can to resolve the issue. If the aggressive behaviour continues despite your best efforts, ask your supervisor for help and consider involving Corporate Security.

Q **Can I stop for a beer on my way home from work if I'm wearing my City uniform?**

A **No.** Although you are on your own time, your uniform leads people to believe otherwise.

RELATED RESOURCES

- City of Edmonton training courses
  - Dealing with Difficult People
  - Assertiveness Skills
  - Business Etiquette and Professionalism
  - Managing Anger in the Workplace
- Corporate Vision, Mission and Values
- Leadership Expectation and Principles
- Drug and Alcohol Directive A1128
- Duty to Accommodate Disabilities Directive A1126
- Fraud Directive A1454
- Hiring Directive A1104
- Respectful Workplace Directive A1147
- Whistleblower Protection Directive A1455



Personal gain, benefit or favouritism

We will remove ourselves from any decision process that may result in a real or perceived personal gain or benefit. We will remove ourselves from situations where there is a real or perceived risk of favouritism. 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.

WHAT DOES THIS MEAN?

Employees must remove themselves from any decision process that may result in actual or perceived personal gain, favouritism or benefit. Awarding of City tenders, employment opportunities, land sales and disposal of surplus assets will be carried out impartially – without any advantage or favourtism to themselves or others.

WHY IS THIS IMPORTANT?

All City business must be conducted fairly and impartially.

Employees are compensated for their services with tax dollars. A City employee should not benefit from his or her job beyond the compensation paid for the job.

THINGS TO DO

- Use information only for the purpose for which it was collected
- Remove yourself from any decision process that may result in actual or perceived personal gain, benefit or favouritism

FREQUENTLY ASKED QUESTIONS

Q **My sister just bid on a City contract in my work area. What should I do?**

A You must disclose your relationship to your supervisor at the beginning of the process. If you are in a position to evaluate the bid, influence the selection of the successful bidder or manage the bidder's performance, there is a potential conflict of interest. Your supervisor must ensure you are not involved in the decision-making process and do not have access to information rearding the process which could be used to influence decision makers.

Q **In my job, I drive a City pickup truck that is being declared surplus. Can I buy it?**

A **Yes.** Once the City has properly declared the truck surplus and it is available for sale to the public at large, you may make an offer to buy it. You will not get any greater consideration in the sale process than any other citizen offering to purchase the vehicle through an open sale process.

Q **My brother-in-law is qualified for a job I directly supervise. Can he be hired for that position?**

A **No.** According to the Hiring Directive A1104, immediate family members may not work in the same section, branch or department where direct supervision would create a conflict. Furthermore, no one may be hired, transferred or promoted to a position in which a relative can be perceived to have influence over their promotion or supervision.

Q **I work in Corporate Services and my brother has a consulting agreement with another department. What should I do?**

A **Nothing.** Since you were not involved in the decision process that awarded his contract and do not have any involvement with that business, there is no conflict.

Q **I have started a romantic relationship with my supervisor. What should I do?**

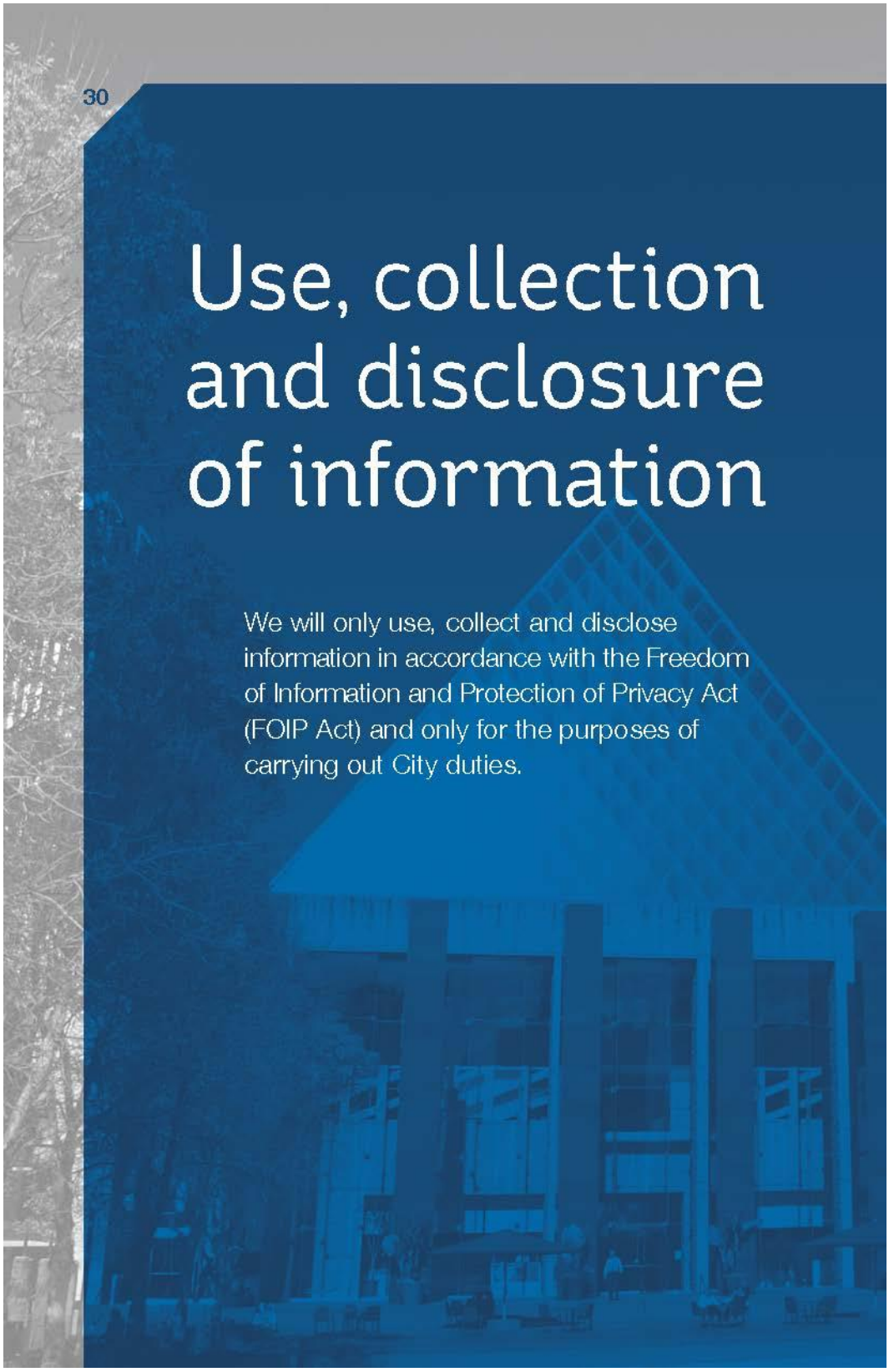
A The City discourages workplace relationships which can result in conflicts of interest, complaints of favouritism, claims of sexual harassment and other employee morale problems. In this situation, you and your supervisor must promptly disclose this relationship to the manager of your work area. The manager must take steps to address the supervisory-subordinate working relationship in order to remove actual or perceived favouritism along with any other potential conflicts. This may include modifying the reporting relationship and/or a change in position for one or both employees involved.

RELATED RESOURCES

- City Employees – Contracts with City Directive A1203
- Fraud Directive A1454
- Hiring Directive A1104

Use, collection and disclosure of information

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



WHAT DOES THIS MEAN?

Many employees have access to personal information about other employees or access to confidential commercial or financial information of members of the public. This information must be kept confidential and secure, and must only be used for the purpose for which it was collected.

WHY IS THIS IMPORTANT?

Employees have a responsibility to maintain and to protect confidential business or financial information of the public and information accessed about identifiable individuals. This includes but is not limited to:

- Name, address, telephone number
- Race, ethnic origin
- Age, sex, marital or family status
- Medical history
- Employment history
- Personal opinions about identifiable individuals

The Freedom of Information and Protection of Privacy Act (FOIP) governs the way Alberta municipalities use, collect and disclose information. Employees are required to keep all personal information and all confidential business or financial information of the public confidential and to use it only for the purpose for which it was gathered. The City cannot disclose this information without permission and employees are not allowed to use it for personal gain or benefit of any kind.

Employees should consult with City's FOIP personnel about use, collection or disclosure of personal or confidential business information if they have any questions.

THINGS TO DO

- Maintain confidentiality
- Keep information secure
- Use information only for the purpose for which it was collected
- Contact your FOIP coordinator for assistance on how to use, collect and disclose information

FREQUENTLY ASKED QUESTIONS

Q **I have been asked to give a job reference for a former City employee. Can I share my opinions about this individual?**

A **Yes,** with the employee's permission.

Q **Can I access another employee's file?**

A You may only access another employee's file for work-related purposes and only if you are authorized to do so. You may only access other employees' files as much as is necessary to fulfill your job duties.

Q **I operate a small, home-based business that sells baby clothes. In my job, I have access to personnel files and I've noticed a few City employees are on maternity leave. Can I call them at home to let them know I'm in business?**

A **No.** Employees provide their phone numbers and family information to the City for work-related purposes. It is a severe breach of conduct to use this information for anything other than City work.

Q **I handle the Human Resources files for my office and discovered my co-worker's 40th birthday is coming up. Can I plan a surprise party?**

A **No.** If you found out about the birthday through City records, the information is considered confidential and cannot be shared with colleagues or used to plan a party.

Q **I have information that suggests a contract was not handled according to City policy. Should I tell the public or the media?**

A **No.** This information must be directed to your supervisor or general manager.

RELATED RESOURCES

- City of Edmonton training course FOIP in the City
- Corporate Records and Information Management Directive A1410
- FOIP Act
- FOIP Bylaw
- FOIP Coordinators
- Acceptable use of Communication Technology (Electronic Media) A1429
- Privacy Breach Directive A1445
- Privacy Directive A1433
- Protection of Mobile Sensitive Data A1444
- Video Surveillance in Public Areas A1435

LIST OF FOIP COORDINATORS

Office of the City Clerk
3rd Floor, City Hall
1 Sir Winston Churchill Square
Edmonton, AB T5J 3P4
PHONE: 780-496-8178
FAX: 780-496-8175

Gianna Einarson
PHONE: 780-496-8170

Kate Mann
PHONE: 780-496-8159

Delores Stefaniszyn
PHONE: 780-496-3641

Council Services
Cheryle Card
3rd Floor, City Hall
1 Sir Winston Churchill Square
Edmonton, AB T5J 2R7
PHONE: 780-496-8181
FAX: 780-496-7817

Office of the City Auditor
Gordon Babey
10th Floor, Chancery Hall
3 Sir Winston Churchill Square
Edmonton, AB T5J 2C3
PHONE: 780-496-8302
FAX: 780-496-8062

Community Services
Kate Gunn
7th Floor, CN Tower
10004 - 104 Avenue
Edmonton, AB T5J 0K1
PHONE: 780-442-5441
FAX: 780-577-3525

Financial Services & Utilities
Kelsey Harrison
5th Floor, Chancery Hall
3 Sir Winston Churchill Square
Edmonton, AB T5J 2C3
PHONE: 780-496-1637
FAX: 780-420-4884

Sustainable Development
George Matteotti
8th Floor, HSBC Bank Place
10250 - 101 Street
Edmonton, AB T5J 3P4
PHONE: 780-442-0812
FAX: 780-496-6916

Corporate Services
Debra Watson
3rd Floor, City Hall
1 Sir Winston Churchill Square
Edmonton, AB T5J 2R7
PHONE: 780-944-7583
FAX: 780-496-8175

Transportation Services
Opal Wagner
15th Floor, Century Place
9803 - 102A Avenue
Edmonton, AB T5J 3A3
PHONE: 780-496-2807
FAX: 780-496-2803

An updated list of FOIP Coordinators is available on **www.edmonton.ca**.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Other employment
We will only engage in other employment that does not conflict with our City duties or the Code of Conduct or put us in competition with services provided by the City.

WHAT DOES THIS MEAN?

Other employment is permitted, but only with organizations not in direct competition with the City.

WHY IS THIS IMPORTANT?

During paid working hours, your priority must be to City service, above all other financial interests. City employees are expected to be loyal to the City. You cannot have other employment that undermines your ability to perform your City duties effectively or conflict with those duties.

THINGS TO DO

- Refuse work from the City's direct competitors
- Get written approval from your general manager or disability plan administrator before you accept outside employment during a leave of absence

FREQUENTLY ASKED QUESTIONS

Q **I'm off work and receiving disability benefits. I can't do the heavy, physical labour my City job demands but I can run my home-based bookkeeping business. Is this a violation?**

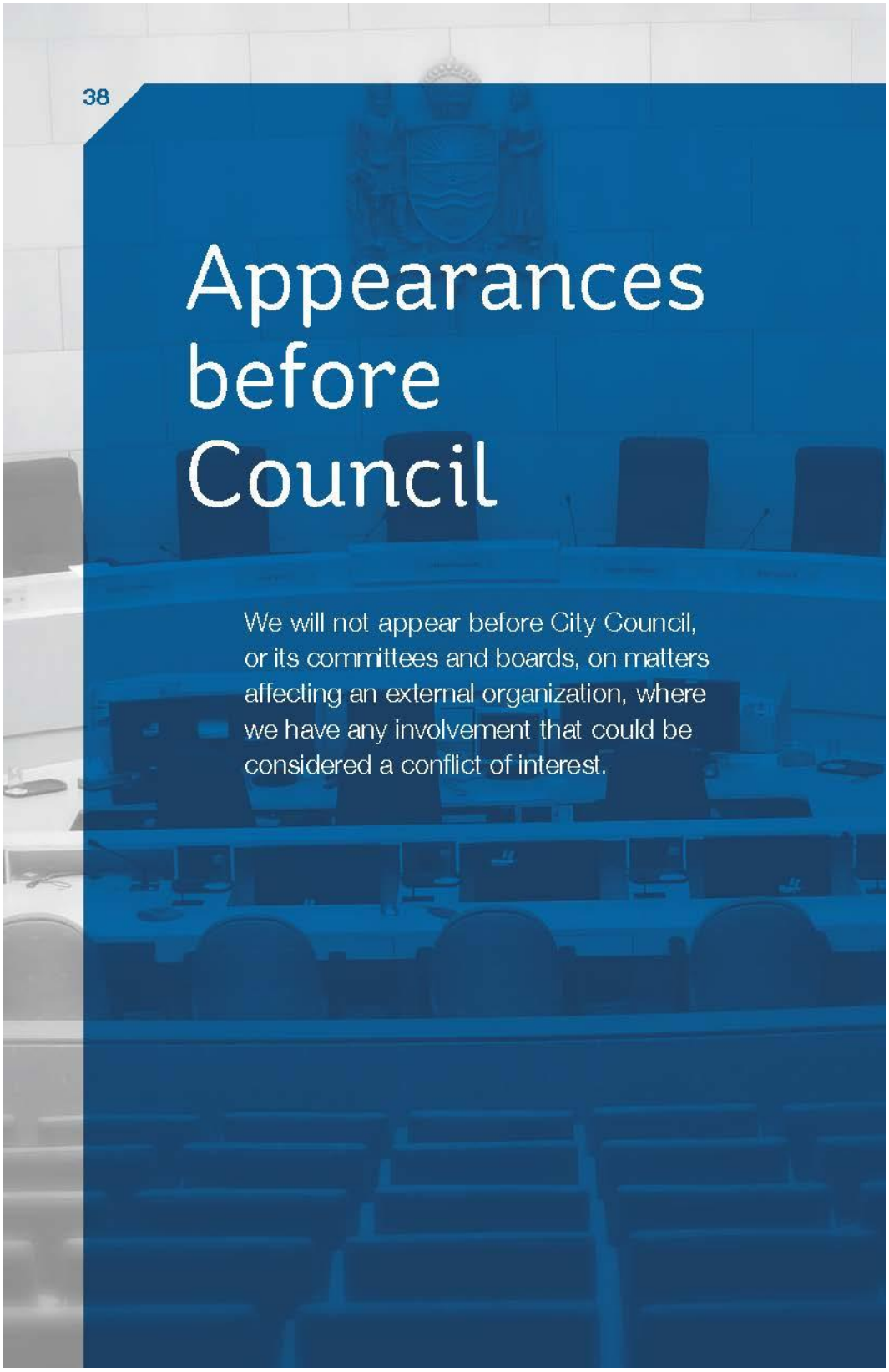
A **Yes.** Your disability management consultant must approve all outside employment while you're on disability leave.

Q **I work as a mechanic for the City of Edmonton and would like to get a part-time job as a mechanic. Is this permissible?**

A **Yes.** You can take the job as long as the service is not in direct competition with the City and the service is not performed on City time.

RELATED RESOURCES

- Attendance Management Directive A1108
- Collective Agreements
- Discipline of City Employees Directive A1102
- Duty to Accommodate A1126



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Appearances before Council

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

WHAT DOES THIS MEAN?

Employees who appear before City Council, its committees or boards on behalf of an outside organization must declare their involvement to the Office of the City Clerk as well as to their general manager.

WHY IS THIS IMPORTANT?

If you are in a position to advise City Council, its committees or boards, your interest in a particular issue could be seen as favouritism or conflict of interest. It must be clear to everyone involved that your outside interests, volunteer work or other personal activities are not related to your position as a City representative.

THINGS TO DO

- Let people in your community group know about the City's Code of Conduct and in particular, that you must be careful to ensure you avoid any possible conflict of interest with your duties as a City employee
- Advise the Office of the City Clerk as well as your general manager of any appearance that may cause conflict between your job duties and outside activities

FREQUENTLY ASKED QUESTIONS

Q **I belong to a non-profit organization. May I appear before City Council on its behalf?**

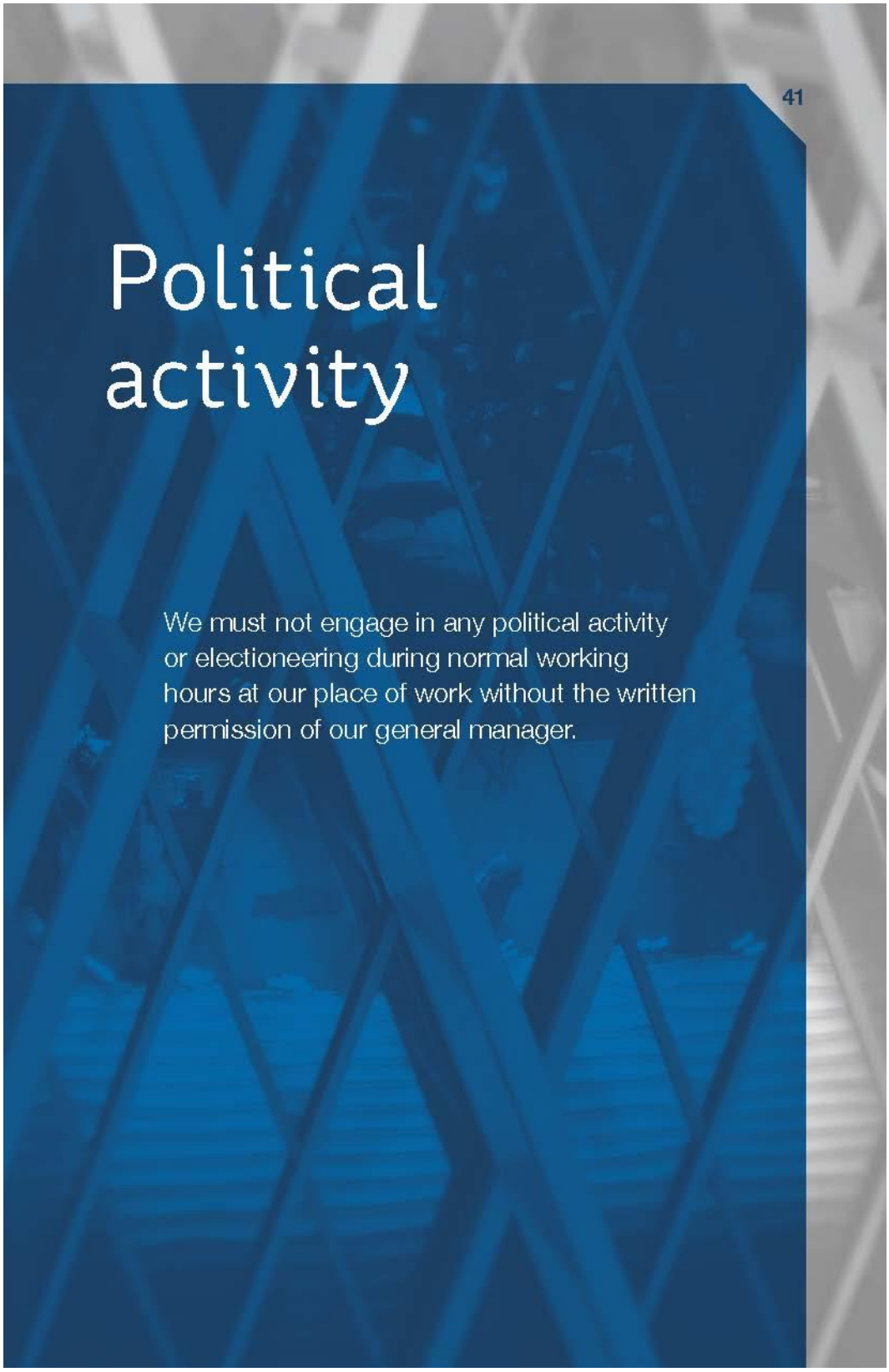
A **Yes.** You have the right to appear, on your own time, before City Council, its committees and boards on behalf of public groups, such as community leagues, athletic organizations and charitable organizations. You also have the right to appear as a taxpayer, elector or owner on issues specified in the Municipal Government Act.

Q **May I appear before City Council on behalf of my private company?**

A **Yes.** However, you must appear on your own time and declare your involvement to the Office of the City Clerk as well as to your general manager prior to the appearance.

RELATED RESOURCES

- Discipline of City Employees Directive A1102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Political activity
We must not engage in any political activity or electioneering during normal working hours at our place of work without the written permission of our general manager.

WHAT DOES THIS MEAN?

Political activities, such as canvassing, campaigning and fundraising, that aim to advance an individual's or group's political interests will not be permitted in the workplace during normal working hours. All employees have the right to take part in political activity and electioneering, but only on their own time.

WHY IS THIS IMPORTANT?

The fact that we work for a municipal government presents a unique situation; our workplace is a highly political environment where opinions vary widely and strongly and can be a source of potential conflict. Furthermore, political discussions make many people uncomfortable. In order to respect all beliefs, political activity is not allowed in the workplace. Political views and activities are important to many employees, but the work environment and time should be devoted to City business.

THINGS TO DO

- Get written permission from your general manager before you engage in any non-work activity at your place of work

FREQUENTLY ASKED QUESTIONS

Q **Can City employees run for political office?**

A **Yes.** Procedures for this situation are outlined in City Directives related to Leaves of Absence and the Local Authorities Election Act.

Q **Can I campaign for a union position at my work site?**

A All political activity and elections in the workplace, including union elections, require the approval of your general manager.

Q **Can I wear a badge with a political statement while I perform my City duties?**

A **No.** Political propaganda is not permitted at your place of work.

Q **My spouse is running for political office. Can I accept contributions to the campaign while I'm at work?**

A **No.** City employees are not permitted to raise or to contribute funds to political campaigns while at their place of work.

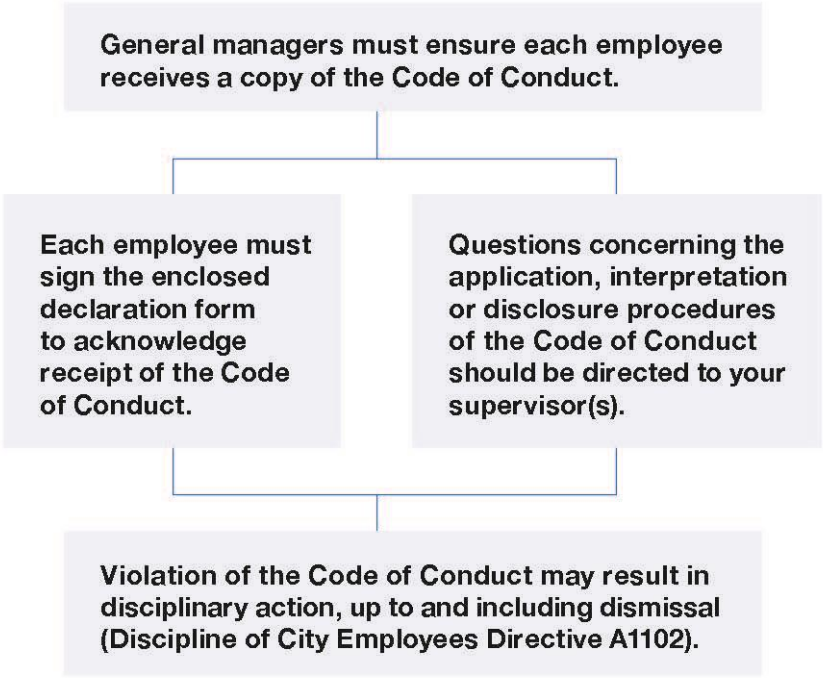
RELATED RESOURCES

- City Directives (Leave of Absence)
- Labour Relations or other Human Resources representatives
- Local Authorities Election Act
- Municipal Government Act

Professional codes of conduct

Employees with professional affiliations – accountants, lawyers, engineers, auditors, safety officers, and social workers – may be subject to more than one code of conduct. If a situation arises that may cause conflict or confusion between the applicable codes, consult with your supervisor.

COMPLIANCE



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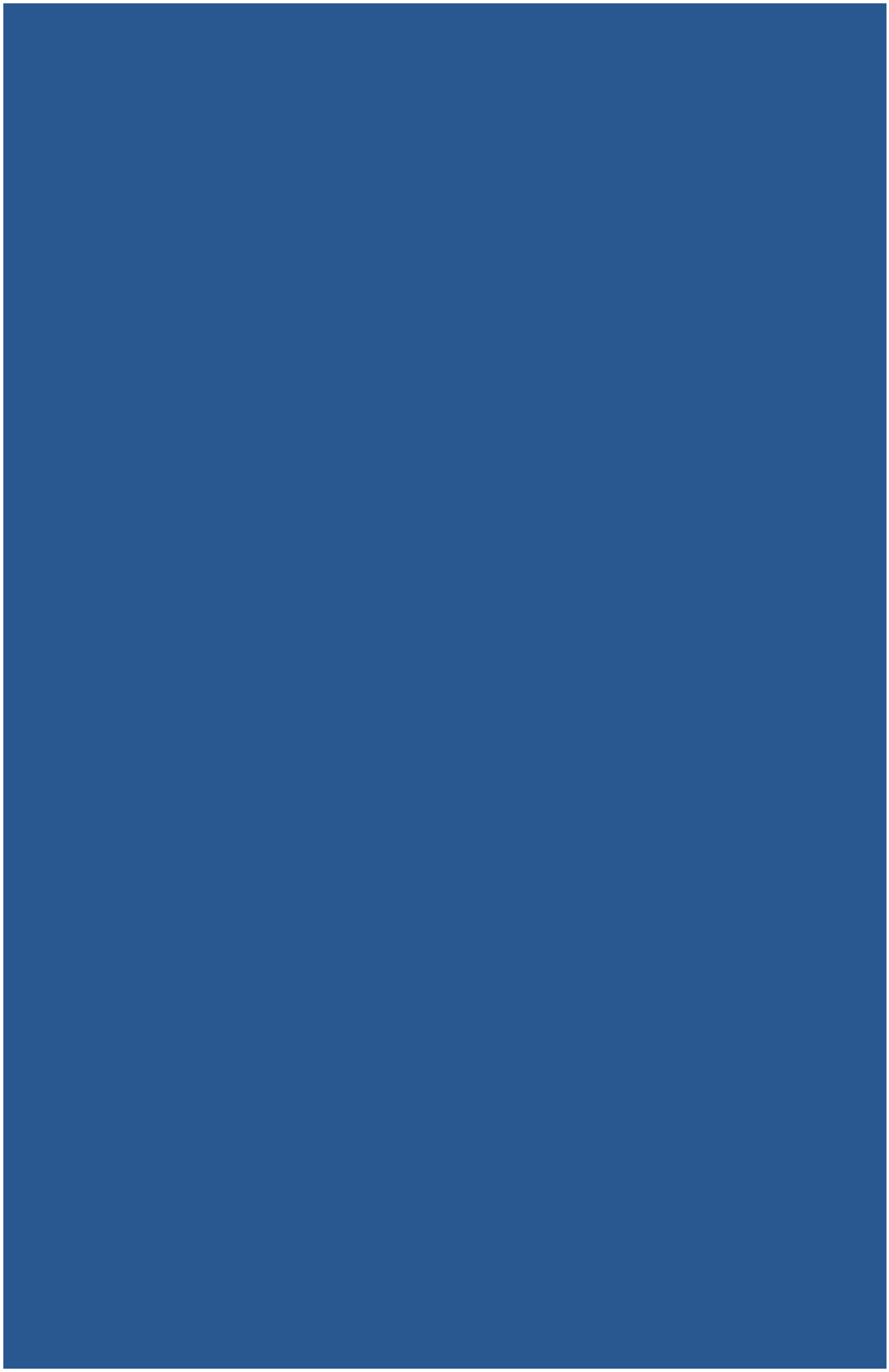

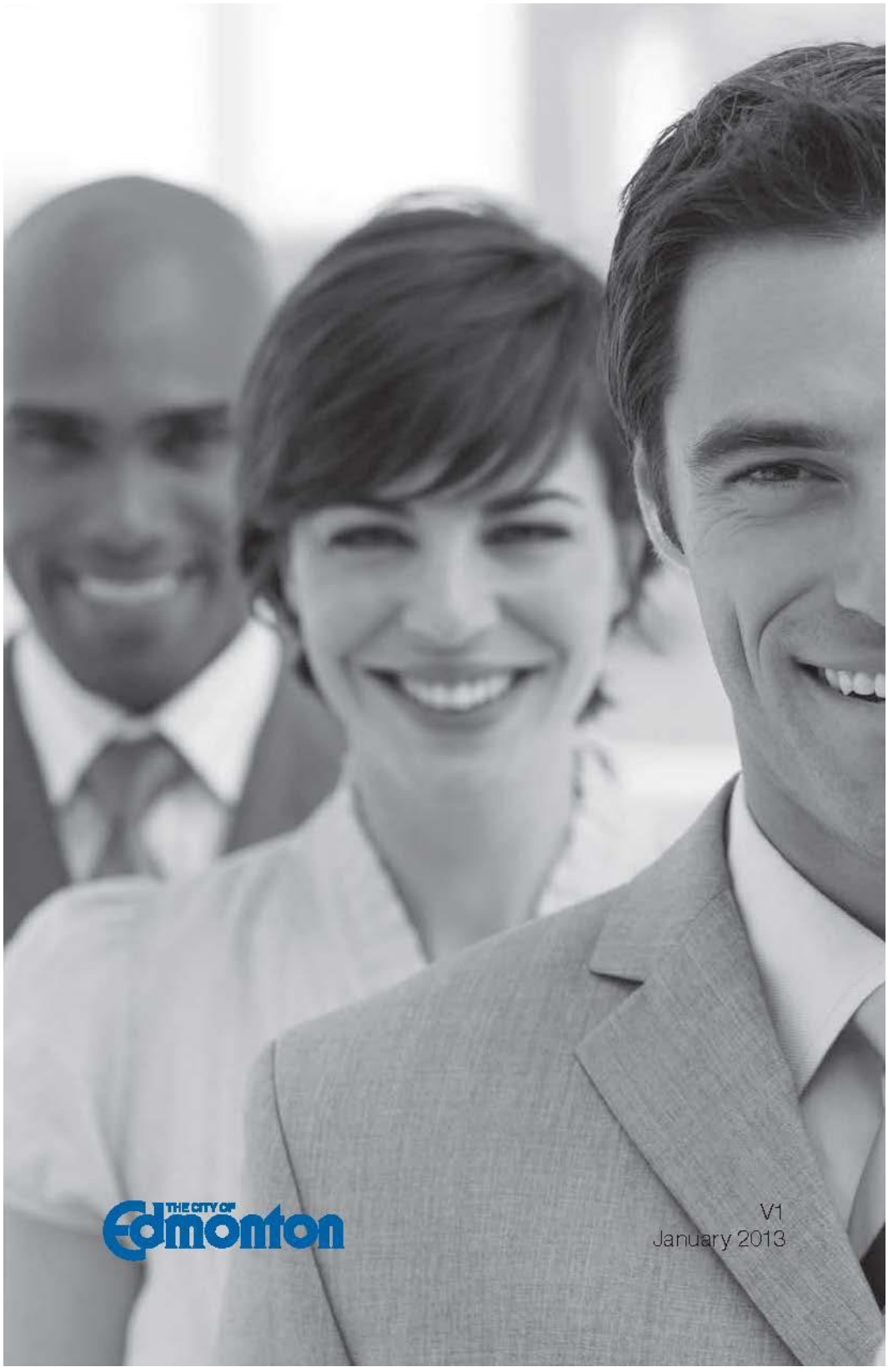
THE CITY OF
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V1
January 2013

APPENDIX 7 – Code of Conduct Readability Assessment

- According to readability-score.com, "A readability score is a computer-calculated index which can tell you roughly what level of education someone will need to be able to read a piece of text easily. The score itself identifies a grade level corresponding to the number of years of education a person has had." [1]
- Scores can be interpreted by looking at the table below:[2]

Score Level	Notes
5th grade	Very easy to read
6th grade	Easy to read
7th grade	Fairly easy to read
8th & 9th grade	Plain Language-Easy to read
10th to 12th grade (high school)	Fairly difficult to read
College/University	Difficult to read
Graduate School	Very difficult to read

- Common guidance states that writing should be between grades 7 and 9 reflect plain language that is easy to read.
- Readability-score.com calculates an average grade level score based on the following five readability formulas:

Flesch-Kincaid Grade Level – Based on the number of words per sentence and the number of syllables per word.

Gunning-Fog Index – Based on the average number of words per sentence and the total number of polysyllabic words (>2 syllables).

Coleman-Liau Index – Based on the average number of letters and the average number of sentences per hundred words.

SMOG Index – The "simple measure of gobbledygook" is based on the total number of polysyllabic words (>2 syllables) and the number of sentences in the document.

Automated Readability Index – Based on the number of characters per word and the number of words per sentence.

- The Code content for various jurisdictions was assessed by using readability-score.com, and the results were as follows:

Score name	Winnipeg	Ottawa	Vancouver	Edmonton	Calgary	Hamilton	Toronto
Flesch-Kincaid	11	6.4	10.2	5.6	10.8	9.3	8.2
Gunning-Fog	14.8	9.7	13.2	8.9	13	11.4	11.1
Coleman-Liau	13.2	12.8	15.2	13.1	17.1	15.4	16
SMOG	14.6	9.8	13.5	9.4	13.9	13	12
Automated Readability	10.3	4.8	10.5	4.6	10.9	8.9	8.3
Average grade level	**12.8**	**8.7**	**12.5**	**8.3**	**13.1**	**11.6**	**11.1**

[1] Readability Score. "What is readability?". Retrieved January 18, 2017. readability-score.com/content/what-is-readability/

[2] Flesch, Rudolf. "How to Write in Plain English, Chapter 2: Let's start with the formula". Management, Marketing and Entrepreneurship University of Canterbury. Retrieved September 13, 2016. www.mang.canterbury.ac.nz/writing_guide/writing/flesch.shtml

APPENDIX 8 – Key Characteristics Evaluation and Jurisdictional Comparisons

			OTHER JURISDICTIONS IN CANADA					
		Winnipeg	Ottawa	Vancouver	Edmonton	Calgary	Hamilton	Toronto
	Characteristics of an effective code:							
1	Organization's mission statement	**No**	**No**	**No**	**No**	**No**	**No**	**No**
2	Statement from Council and/or CAO reflecting support	**No**	**Yes**	**No**	**No**	**No**	**No**	**No**
3	Purpose and Context	**No**	**Yes**	**Yes**	**Yes**	**Yes**	**Yes**	**Yes**
4	Organizational:							
	4.(a) Values	**No**	**Yes**	**Yes**	**No**	**No**	**No**	**Yes**
	4.(b) Principles	**Yes**	**Yes**	**Yes**	**Yes**	**Yes**	**Yes**	**Yes**
5	A statement(s) on how the entity relates to its stakeholders.	**No**	**Yes**	**No**	**Yes**	**Yes**	**Yes**	**No**
6	Ethical conduct guidelines:							
	6.(a) Practical ethical conduct guidelines	**Yes**	**Yes**	**Yes**	**Yes**	**Yes**	**Yes**	**Yes**
	6.(b) Guidance on practices around ethical issues	**No**	**Yes**	**No**	**Yes**	**Yes**	**No**	**No**
7	Examples of ethical and unethical behaviour	**No**	**Yes**	**No**	**Yes**	**Yes**	**No**	**No**
8	Details on implementation and monitoring of the code, and the consequences of misconduct	**Yes**	**Yes**	**Yes**	**Yes**	**Yes**	**Yes**	**Yes**
9	Commitment to and information on performance evaluation	**No**	**Yes**	**No**	**No**	**No**	**No**	**No**
10	Directions to further support, advice and other relevant policies:							
	10. (a) References other legislation, policies and guidelines	**No**	**Yes**	**Yes**	**Yes**	**Yes**	**Yes**	**No**
	10. (b) Directs employees who to seek assistance from.	**Yes**	**Yes**	**Yes**	**Yes**	**Yes**	**Yes**	**Yes**
11	Well written in an understandable format:							
	11.(a) Easy to read	**No**	**Yes**	**No**	**Yes**	**No**	**No**	**No**
12	Concise	**Yes**	**Yes**	**No**	**No**	**No**	**No**	**No**

APPENDIX 9 – Ethics Framework Illustration

