

Corporate Human Resources Policy		Code of Conduct for Employees
Work Environment		Content Updated: 2014-08-18
Policy No: HR-01-09		
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Schedule A: Conflict of Interest

PURPOSE	<p>Recognizing, understanding, addressing and preventing conflicts of interest are important to ensuring that employees meet the City of Hamilton's goal to provide fair, ethical and accountable local government.</p> <p>This Schedule provides employees with the tools to identify and address potential and real conflicts of interest that may arise when there is competition between an employee's personal and professional interests.</p>
DEFINITIONS	
Conflict of Interest	<p>A conflict of interest is a situation in which an employee has personal or private interests that may compete with the public interests of the City of Hamilton. Such competing interests can make it difficult to fulfill his or her duties impartially. A conflict of interest can create an appearance of impropriety or a perception of bias that can undermine confidence in the person and in the City of Hamilton generally. A conflict exists even if no unethical or improper act results from it. A conflict of interest can either be an apparent conflict or a real conflict.</p> <p><u>Apparent Conflict:</u> An apparent conflict of interest exists where an informed and reasonable person reviewing the matter and having thought the matter through could conclude that a conflict of interest exists.</p> <p><u>Real Conflict:</u> A real conflict of interest exists where a personal interest exists and that interest:</p> <ol style="list-style-type: none"> 1. is known to the employee; and 2. has a connection to the employee's duties that is sufficient to influence the exercise of those duties.
Family Member	<p>means:</p> <ol style="list-style-type: none"> (a) spouse, including but not limited to common-law spouse and same-sex partner (b) child, mother, father, sister, brother, grandchild, grandparent, aunt, uncle, niece and nephew (c) mother-in-law, father-in-law, sister-in-law and brother-in-

Interests	<p>law</p> <p>(d) step-mother, step-father, step-sister, step-brother and step-child, and</p> <p>(e) child, mother or father in a relationship where the role of parent has been assumed.</p> <p><u>Direct Interests:</u> Direct interests are those interests in which the employee has an apparent significant social relationship or financial relationship and with respect to which the employee may gain benefits or losses, advantages or disadvantages.</p> <p><u>Indirect Interests:</u> Indirect interests are those interests in which the employee, by virtue of a significant social relationship or a financial relationship, may reasonably be seen to gain benefits or losses, advantages or disadvantages, even though the employee may never have a direct interest.</p> <p><u>Personal Interest:</u> A personal interest includes a right, entitlement, or legal share in something and involves any situation where the employee is likely to secure some benefit or loss, or advantage or disadvantage. A personal interest includes but is not limited to financial interests and can be a direct interest or an indirect interest.</p> <p>A personal interest does not include an interest:</p> <p>(a) that is of general application to residents, businesses, or employees of the City; or</p> <p>(b) where the interest is so remote or insignificant in its nature that a decision affecting the interest cannot reasonably be regarded as likely to influence the employee.</p>
Relationships	<p><u>Financial Relationship:</u> A financial relationship is one in which:</p> <p>a) the employee or his or her agent,</p> <ol style="list-style-type: none"> i. is a shareholder in, or a director or senior officer of, a corporation that does not offer its securities to the public; ii. has a controlling interest in, or is a director or senior officer of, a corporation that offers its securities to the public; or, iii. is a member of a body that potentially has a financial interest in matters within the scope of the employee's duties or responsibilities.

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b) The employee is a partner of a person, a business associate of, or is, in addition to the employee's position at the City, in the employment of another person or body.

Significant Social Relationship: A significant social relationship includes personal relationships, such as family and emotional relationships, and memberships in volunteer and professional organizations.

TERMS & CONDITIONS

Personal Interests

No employee in the course of his or her duties shall seek to advance a personal interest, whether or not it is detrimental to the City.

Examples of advancing a personal interest include but are not limited to:

1. Influencing or attempting to influence the City to contract with a person, partnership or corporation for any purpose in which the employee has a personal interest, or for which the employee has received or reasonably anticipates receiving some profit, payment, or compensation.
2. Soliciting or accepting from any person or corporation any profit, commissions or other payments or favours in the way of price or other advantages, such as loans or services, when:
 - (a) the person or corporation has had, has, or may reasonably be expected to have, any business, commerce or trade dealings with the City; or
 - (b) the person or corporation is seeking any decision, act, advice, comment, endorsement or anything whatsoever from the City, its employees or City Council;
3. Soliciting or accepting any share of profits, commissions or other payments or favours in the way of price or other advantages, such as loans or services, in exchange for referral of third parties to any City employee for the

Public Duty	<p style="text-align: center;">purpose of securing or continuing business with the City.</p> <p>Some positions in the organization are more subject than others to conflicts of interest. General Managers, Directors, Managers and employees who give professional advice or assistance, or participate in enforcement and/or inspection activities, shall take every reasonable action not to place themselves in conflict of interest situations, or exhibit behaviour or commit acts which could bring disrepute to the City or undermine the City’s reputation.</p> <p>Since public criticism can also undermine the City’s reputation, employees are expected to refrain from public criticism of the City or of other City employees through all venues including social networking. This does not remove employees’ rights as citizens to comment generally on matters of public interest, but in exercising this right, City employees must not identify themselves as such or purport to be speaking on behalf of the City.</p>
Employees Doing Business with the City	<p>No employee shall knowingly approve or attempt to influence the approval of any license, permit, contract, agreement or other document on behalf of the City for his or her own personal use, or for the use of an individual with whom the employee has a financial or social relationship. This is in accordance with the City’s <u>Procurement Policy By-law</u>.</p>
Influencing the Employment Process	<p>No employee shall personally make any decision or participate in the process to hire, transfer, promote, demote, discipline or terminate any family member, friends, or business associates.</p> <p>No employee shall attempt to interfere with the employment process or influence any City employee to hire, transfer, promote, demote, discipline or terminate any family member, friends or business associates (see Anti Nepotism Policy).</p>
Reporting a Conflict of Interest	<p>If employees have a personal interest, whether direct or indirect, that might present a conflict of interest in connection with their duties as City Employees, they must report this</p>

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	<p>conflict to their director, manager or supervisor in writing. The director, manager or supervisor shall notify the General Manager of the Department or designate, who, in consultation with Human Resources, shall determine whether the employee has breached or may potentially become in breach of this Policy.</p> <p>If a real or apparent conflict exists, and it is duly reported, such that the employee is or may become in breach of the Policy, the General Manager or designate shall instruct the employee, in writing, to withdraw from participation in any dealings or decision-making processes relative to the issue at hand. If the employee has knowingly or willfully breached the Policy, the General Manager shall determine the appropriate disciplinary measure, in consultation with Human Resources.</p> <p>A written record of the employee's declaration of the conflict of interest, the decision of the General Manager, and the written instructions to the employee with respect to the conflict of interest shall be maintained in the employee's personnel file.</p>	
COMPLIANCE	<p>Every employee is expected to be aware of and act in compliance with the Code of Conduct for Employees Policy and the related Schedules. Any employee under investigation may be suspended with or without pay or be re-assigned to other duties pending completion of the investigation, depending on the particulars of the case and the best interests of the City. Where there is a serious wrongdoing, as defined in the Whistleblower By-law, that By-law applies. Violations of this Schedule may result in appropriate disciplinary measures, up to and including dismissal.</p>	