

Corporate Human Resources Policy		Code of Conduct for Employees
Work Environment		Content Updated: 2016-06-22
Policy No: HR-01-09		
Page 1 of 6		Approval: 2015-06-10

Schedule C: Financial and Business Integrity

PURPOSE	<p>City of Hamilton employees are trusted to perform their job duties with integrity, transparency, and accountability. This is important in all positions, but especially so for those who are trusted with substantial access to or influence over confidential information and/or the City's resources. To ensure that the public trust is maintained, employees have a responsibility to act with diligence and integrity.</p> <p>This Schedule outlines the expectations that the City of Hamilton has of its employees in regard to financial and business integrity, including the security of confidential information</p>
DEFINITIONS	
Confidential Information	<p>Includes but is not limited to information in the possession of the City that the City is either prohibited from disclosing, is required to refuse to disclose or exercises its discretion to refuse under the <i>Municipal Freedom of Information and Protection of Privacy Act</i>, <i>Personal Health Information Protection Act</i> or other legislation, and information concerning matters that are considered in an in-camera meeting under section 239 of the <i>Municipal Act</i>, 2001.</p>
Fraud	<p>Fraud includes any array of acts characterized by intentional deception. Dishonest, illegal or fraudulent activities include, but are not limited to:</p> <ul style="list-style-type: none"> • Forgery or alteration of documents (cheques, promissory notes, time sheets, independent contractor agreements, purchase orders, etc.); • Misrepresentation of information by an individual; • Misrepresentation of information on documents; • Misappropriation of funds, securities supplies or any other asset; • Tampering with City systems, programs or global positioning (GPS) devices for the purpose of misrepresenting information; • Unauthorized use, disappearance, or destruction of City property, equipment, materials or records; • Improprieties in the handling or reporting of money transactions; • Authorization or receipt of payments for goods not received or

Corporate Human Resources Policy		Code of Conduct for Employees
Work Environment		Content Updated: 2016-06-22
Policy No: HR-01-09		
Page 2 of 6		Approval: 2015-06-10

Intellectual Property	<p>services not performed;</p> <ul style="list-style-type: none"> • Authorization or receipt of payment for hours not worked; • Any inappropriate expense claim made, which is unrelated to City business or the employee’s job responsibilities. • Any apparent violation of Federal, Provincial or local laws. <p>Ownership over creations of the mind. These creations are intangible; they represent such things as original ideas and concepts.</p>
Post-Employment Period	<p>A period commencing immediately following the end of the employment relationship with the City of Hamilton</p>
TERMS AND CONDITIONS	<p>Employees of the City of Hamilton are trusted to act with honesty and integrity. Employees must not engage in fraudulent, illegal or dishonest activities.</p>
Financial Integrity	<p>Every employee who maintains the City’s accounting records shall do so with the utmost integrity, reflecting accurately and punctually all transactions, assets and liabilities of the City. All business records, expense accounts, invoices, vouchers, bills, payroll and employee records and other reports are to be prepared with care and honesty. False or misleading entries, other false or misleading information, or omissions of entries in the records or reports of the City, or any unrecorded bank accounts, are strictly prohibited.</p> <p>No employee shall undertake any fraudulent activities. This includes misrepresenting information on documents, authorizing payment for goods and services not received, unauthorized use, destruction, or disappearance of City assets and information, and forgery or alteration of documents. Further details can be found in the <u>Fraud & Protocol Policy</u>.</p> <p>No employee shall establish or maintain secret or unrecorded cash funds or other assets of the City for any purpose or conceal any transaction from the City’s internal or external auditors.</p> <p>No employee shall use City funds or financial processes for</p>

Purchase or Lease of Real Property	<p>any personal use at any time.</p> <p>No employee of the City shall directly or indirectly purchase or lease real property from or to the City, nor shall an employee have any direct or indirect interest in a company which purchases or leases real property from or to the City, unless this interest has been fully disclosed to the appropriate approving authority and unless the purchase or lease of the real property is done through a public process</p>
Use of City Property	<p>No employee shall use the City's property, funds, equipment, tools, supplies or services for any personal uses whatsoever. Limited use of City telephones and cell phones, without incurring long distance or other charges, and limited personal use of a City computer in accordance with the <u>Computer Technology Acceptable Use Policy</u>, is acceptable</p>
Confidential Information	<p>Employees must ensure that information is securely held and used only for the purposes for which it was collected. Every employee shall safeguard confidential information and shall not release confidential information to anyone other than the persons who are authorized to receive such information. The following information must not be used or disclosed:</p> <ol style="list-style-type: none"> 1. except in accordance with the <i>Municipal Freedom of Information and Protection of Privacy Act</i>: <ul style="list-style-type: none"> ▪ personal information about an employee (address, payroll or benefits information) ▪ items under litigation ▪ labour relations matters ▪ information that constitutes the proprietary information of a third party, individual or group ▪ information that might reasonably be regarded as having been disclosed to the employee in confidence, ▪ information that is of a sensitive nature, or ▪ information that imparts to the person in possession of such information an advantage not available to the public generally. 2. except in accordance with the <i>Personal Health Information</i>

Corporate Human Resources Policy		Code of Conduct for Employees
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Policy No: HR-01-09		
Page 4 of 6		Approval: 2015-06-10

	<p><i>Protection Act</i>, identifying information about an individual in oral or recorded form, if the information:</p> <ul style="list-style-type: none"> ▪ relates to the physical or mental health of the individual, including information that consists of the health history of the individual’s family; ▪ relates to the providing of health care to the individual, including the identification of a person as a provider of health care to the individual; ▪ is a plan of service within the meaning the <i>Long-Term Care Act, 1994</i> for the individual; ▪ relates to payment or eligibility for health care, or eligibility for coverage for health care, in respect of the individual; ▪ relates to the donation by the individual of an body part or bodily substance of the individual or is derived from the testing or examination of any such body part or bodily substance, ▪ an individual’s health number, or ▪ identifies an individual’s substitute decision-maker. <p>Employees shall consult with the Manager, Records & Freedom of Information in the City’s Clerk Division if clarification is required.</p>
Insider Information	No employee shall access, use or transmit confidential or privileged information available only to City employees to obtain personal or financial gain, or for the personal or financial gain of any other individual, partnership or company, whether directly or indirectly, or for any other purpose except as required by law.
Intellectual Property	<p>The intellectual property rights in any work produced by an employee through the course of their employment at the City are the exclusive property of the City, unless there is a written agreement stating otherwise between the City and the employee.</p> <p>No employee shall sell, transfer, or in any way authorize the use of any intellectual property, including copyrighted property such as literary or artistic works, patented inventions or processes, technological innovations, computer programs,</p>

	<p>data bases, and trademarks, belonging to the City, without express authority from the City.</p>
<p>Software Piracy</p>	<p>The City forbids software piracy, defined as using any unlicensed copy of a software package that has not been purchased for City purposes. It includes taking a copy of a licensed software package for one's own use or passing a copy on to another person for their use (See the Computer & Technology Acceptable Use Policy).</p>
<p>Return of City Property</p>	<p>Upon termination of employment, an employee shall promptly deliver to the City any and all property, technology, data, manuals, notes, records, plans, or other documents, including any such documents stored on any video or software related medium, held by the employee concerning the City's services and programs, know-how, developments, and equipment. This includes property made or prepared by the employee and relating in any way to the affairs of the City. With permission, employees may retain samples of their work if such work is in the public domain. However, this paragraph shall not apply to any original research or to any articles or papers for which the employee is an author or co-author, for which the employee shall retain all intellectual property rights.</p>
<p>Post-Employment Restrictions</p>	<p>Employees who leave the employment of the City are expected to maintain discretion and ensure that sensitive information obtained during the course of their employment remains confidential.</p> <p>Employees in senior level positions, in addition to other identified positions, that are entrusted with high levels of authority and influence; power of approval or recommendation; visibility; access to confidential information; and intimate knowledge of City processes, may be subject to specific post-employment restrictions for a period of time following employment with the City, which is specified within individual employment contracts.</p>

Corporate Human Resources Policy		Code of Conduct for Employees
Work Environment		Content Updated: 2016-06-22
Policy No: HR-01-09		
Page 6 of 6		Approval: 2015-06-10

RELATED DOCUMENTS	<ul style="list-style-type: none"> • <i>Fraud Policy & Protocol</i> • <i>Municipal Freedom of Information and Protection of Privacy Act</i> • <i>Personal Health Information Protection Act</i>
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 and/or legal action.</p> <p>Former employees who are found to be in breach of their post-employment restrictions as outlined within this policy and in employment contracts may face legal action from the City of Hamilton in the form of civil remedies for breach of employment contract, a clawback of the severance package, injunctive relief or a claim for damages. Former Employees in violation of this policy will also not be eligible for re-employment with the City at any time.</p>