



CITY OF VANCOUVER CORPORATE POLICY

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

PURPOSE

To set minimum expectations for the behaviour of Council officials, staff and advisory body members in carrying out their functions.

SCOPE

All City staff, Council officials and advisory body members.

DEFINITIONS

Advisory Body Member: a person sitting on an advisory committee, task force, commission, board, or other Council-established body and includes staff contracted to support any of these bodies

Council official: the Mayor and Council members

Staff: an employee or contract employee of the City of Vancouver

POLICY STATEMENTS

1 Key Principles

- 1.1 **Integrity:** Council officials, staff and advisory body members are keepers of the public trust and must uphold the highest standards of ethical behaviour. Council officials, staff, and advisory body members are expected to:
 - make decisions that benefit the community;
 - act lawfully and within the authorities of the Vancouver Charter; and
 - be free from undue influence and not act, or appear to act, in order to gain financial or other benefits for themselves, family, friends or business interests
- 1.2 **Accountability:** Council officials, staff, and advisory body members are obligated to answer for a responsibility that has been entrusted to them. They are responsible for the decisions that they make. This responsibility includes acts of commission and acts of omission. In turn, decision-making processes must be transparent and subject to public scrutiny; and proper records are kept and audit trails are in place
- 1.3 **Responsibility:** Council officials, staff and advisory body members must act responsibly, within the law and within the authorities of the Vancouver Charter. They are to observe the Code of Conduct. This

means disclosing actual or potential conflict of interest relating to their public duties and taking steps to resolve the conflict for the protection of the public interest; following the letter and spirit of policies and procedures; and exercising all conferred power strictly for the purpose for which the powers have been conferred.

- 1.4 **Leadership:** Council officials, staff and advisory body members must demonstrate and promote the key principles of the Code of Conduct through their decisions, actions and behaviour. Their behaviour must build and inspire the public's trust and confidence in local government.
- 1.5 **Respect:** Council officials, staff and advisory body members must conduct public business efficiently, with decorum and with proper attention to the City's diversity. They must treat each other and others with respect at all times. This means not using derogatory language towards others, respecting the rights of other people, treating people with courtesy and recognizing the different roles others play in local government decision making.
- 1.6 **Openness:** Council officials, staff and advisory body members have a duty to be as open as possible about their decisions and actions. This means communicating appropriate information openly to the public about decision-making processes and issues being considered; encouraging appropriate public participation; communicating clearly; and providing appropriate means for recourse and feedback.

2 General Conduct

- 2.1 Council officials, staff and advisory body members must adhere to the key principles and provisions of the Code of Conduct.
- 2.2 Council officials, staff and advisory body members must act lawfully and within the authorities of the *Vancouver Charter*, and exercise a reasonable degree of care and diligence in carrying out their functions
- 2.3 Council officials, staff and advisory body members have a duty of fidelity to the City and must refrain from making public statements that are demeaning or disparaging to the individuals responsible for the administration of the City.
- 2.4 Council officials, staff and advisory body members have an obligation to consider issues consistently and fairly.
- 2.5 Council officials, staff and advisory body members must avoid behaviour that could constitute an act of disorder or misbehaviour. Specifically, Council officials, staff and advisory body members must avoid conduct that:
 - Contravenes the law, the *Vancouver Charter*, City By-laws, associated regulations, City policy and the City's Code of Conduct;

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

3 Handling of Information

- 3.1 Council Officials, staff and advisory body members must:
- Protect information that is specifically marked confidential and other material understood to be confidential in nature;
 - Refrain from discussing/disclosing any confidential information with/to other staff, or with persons outside the organization except as authorized;
 - Take reasonable care to prevent the examination of confidential material by unauthorized individuals;
 - Not use confidential information with the intention to cause harm or detriment to Council or any other person or body;
 - Only access information needed for council business;
 - Only use confidential information for the purpose it is intended to be used;
 - Only release information in accordance with established City policies and procedures and in compliance with the *Freedom of Information and Protection of Privacy Act*; and
 - Not disclose any information discussed during an *in camera* session of Council.

- 3.2 Except in the normal course of duties, Council officials, staff and advisory body members must not in any way change or alter City records or documents.
- 3.3 When dealing with personal information, Council officials, staff and advisory body members must comply fully with the provisions of *the Freedom of Information and Protection of Privacy Act*. All reasonable and necessary measures must be taken to ensure that the personal or private business information of individuals is protected. Personal information is information or an opinion about a person whose identity is apparent, or can be determined from the information or opinion.

4 Conflict of Interest

- 4.1 Council officials, staff and advisory body members are expected to make decisions that benefit the community. They are to be free from undue influence and not act or appear to act in order to gain financial or other benefits for themselves, family, friends, or business interests.
- 4.2 A conflict exists when an individual is, or could be, influenced, or appear to be influenced, by a personal interest, financial (pecuniary) or otherwise, when carrying out their public duty. Personal interest can include direct or indirect pecuniary interest, bias, pre-judgment, close mindedness or undue influence.
- 4.3 Council officials, staff and advisory body members must appropriately resolve any conflict or incompatibility between their personal interests and the impartial performance of their public or professional duties in accordance with statutory requirements. When considering whether or not a conflict of interest exists, it is important to consider whether there are any grounds for a reasonable person to think that a conflict exists.
- 4.4 Section 145.2 ff of the *Vancouver Charter* set out requirements with respect to conflict of interest, including procedures mandated for disclosure of such interests and matters relating to the acceptance of gifts, the use of insider information and disclosure of contracts. These requirements apply to Council Officials and Park Board Commissioners. The common law interprets and applies the law in respect of conflict of interest.

Council Officials (and Park Board Commissioners) must fully inform themselves of the statutory requirements in respect of conflicts, and of the related common law, and must comply with all requirements. In the event of a conflict or perceived conflict, Council Officials (and Park Board Commissioners) must seek legal advice.

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

- 4.6 Advisory body members must fully disclose to the City Clerk any direct or indirect pecuniary interest, any bias or undue influence with respect to any matter they are dealing with immediately.
- 4.7 When staff or advisory board members are uncertain whether a conflict exists, the situation must be immediately presented to the General Manager or City Manager for guidance.
- 4.8 Staff and advisory body members must not use confidential information gained through their official position for the purpose of securing a private benefit for themselves or for any other person.
- 4.9 Examples of conflicts that may be encountered by staff or advisory body members include but are not limited to:
- 4.9.1 ***Obligation to others:*** Staff and advisory body members must not place themselves in a situation where they may be under obligation to someone who has business dealings with the City, and who would benefit from special consideration or treatment.
- 4.9.2 ***Special advantage/disadvantage:*** When staff or advisory body members can gain special advantage because of their position or when the City is disadvantaged as a result of the other interests of Council officials, staff or advisory body members.
- 4.9.3 ***Provision of special consideration/ treatment:*** In the performance of their duties, staff and advisory body members may only grant special consideration/treatment as specifically authorized by City Council or the General Manager.
- 4.9.4 ***Representation to City Council, its Committees, Boards or Tribunals:*** Staff and advisory body members must not represent any private interest(s) except on their own behalf;
- 4.9.5 ***Litigation involving the City:*** Staff and advisory body members must not be party to any litigation against or involving the City.
- 4.9.6 ***Use of City-owned equipment:*** Staff must not use or permit the use of City owned equipment, material, staff time or property for anything but City business.
- 4.9.7 ***Discounts/Rebates:*** Staff may not take advantage of discounts/rebates on personal purchases from suppliers having an existing business relationship with the City, unless those suppliers offer the same discounts/rebates to the general public or those discounts/rebates are offered to staff of other large employers (public and private) on a no-strings-attached basis to the employer.

- 4.10 Council officials, staff and advisory body members must not expect or request preferential treatment for themselves or their family because of their position. They must also avoid any action that could lead members of the public to believe that they are seeking preferential treatment.
- 4.11 Staff who are considering outside employment, contract work or any business or undertaking that relates in any way to the business of the City or that might conflict or appear to conflict with their duties to the City must notify and seek the approval of their General Manager or the City Manager in writing. Staff must seek approval for and disclose engagement in private consultancies and all other business undertakings.
- 4.11.1 In dealing with such requests General Managers and the City Manager must not unreasonably withhold approval except where such employment is deemed to be inappropriate or present a high probability of the existence of a conflict.
- 4.11.2 Before staff engage in outside employment or business they must ensure that it will not:
- Conflict or appear to conflict with official duties;
 - Interfere with City work;
 - Involve the use of confidential information or Council resources obtained through their work for the City;
 - Require work during City work hours;
 - Discredit or disadvantage the City or City Council; or
 - Result in their holding any property or interest which may be in conflict with the employee's duties to the City.

5 Political Activity

- 5.1 Staff members enjoy broad political freedoms and should be able to engage in democratic politics with few restrictions. However, such broad freedoms must be exercised so as not to call into question their ability to perform their employment duties in a professional and impartial manner.
- 5.2 The *Vancouver Charter, section 39* allows staff of the City of Vancouver to seek nomination as candidates for City Council and for the Park Board, provided they meet certain requirements.

It requires the employee to:

- Notify the employer in writing, of the employee's intention to consent to nomination, before being nominated.
- After advising the employer in writing, the employee is entitled to and must take a leave of absence, as follows:
 - i) Commencing on the first day of the nomination period or the date of notification, whichever is later, and;
 - ii) Ending:
 - *if not nominated*: on the day after the end of the nomination period;

- *if employee withdraws as a candidate:* on the day after the withdrawal;
 - *if elected:* on the day the employee resigns from the position;
 - *if not elected and no application for judicial recount has been made:* on the last day on which an application for a judicial recount may be made; and
 - *if not elected and an application for a judicial recount has been made:* on the date when the results of the judicial recount are determined.
- If elected, resign from the position before swearing the oath of office
- 5.3 Staff may seek nomination and hold office on the Vancouver School Board provided they do not violate the standards outlined in this Code of Conduct.
- 5.4 Any political involvement must be as a citizen, not as City staff, and such activities must not take place while at work.
- 5.5 Staff must not represent themselves as a City employee while campaigning for election, endorsing or advocating for a particular candidate or displaying slogans or symbols supporting a particular party or candidate.
- 5.6 Staff are permitted to participate in the following political activities:
- Active membership in a Vancouver civic party;
 - Candidate for other GVRD Council;
 - Candidate for other GVRD School Board; and
 - Candidate for MLA or MP.
- 5.7 Notwithstanding the above, the City Manager, General Managers and their equivalents are not permitted active participation in a Vancouver civic party or promotion of a particular candidate.
- 6 Gifts and Personal Benefits**
- 6.1 Under the Vancouver Charter, section 145.7, Council officials must not accept a gift or personal benefit that is connected with their performance of the duties of office. This does not include gifts or personal benefits received as a matter of the protocol or social obligations that normally accompany the responsibilities of office.
- 6.2 The Vancouver Charter, section 145.8 requires Council members to disclose gifts or personal benefits received directly or indirectly amounting to \$250 from any one source in any 12 month period. The disclosure must be filed with the City Clerk as soon as reasonably practicable.
- 6.3 Gifts or personal benefits with a value of over \$200 that are presented to Council members by visiting dignitaries and/or delegations as a matter of protocol must be turned over to the appropriate City Clerk for safekeeping or disposition.
- 6.4 Gifts or personal benefits with a value of over \$500 that are presented to the Mayor by visiting dignitaries and/or delegations as a matter of protocol must be turned over to the appropriate City Clerk for safekeeping or disposition.

- 6.5 Staff and advisory body members must not accept any gift or personal benefit given because of the individual's position. However, staff and advisory body members may accept a gift or personal benefit received as an incident of protocol or as a City representative on speaking engagements, technical presentations, business meetings and functions where there is no conflict of interest as set out in s4.1 of this Code, or other related activities.

Gifts and personal benefits includes items of a token value such as free or subsidized meals, invitations to social functions organized by groups or community organizations, ties, and scarves.

- 6.6 Staff and advisory body members must also take all reasonable steps to ensure that their immediate family members do not receive gifts or benefits that could appear to an impartial observer to be an attempt to influence or secure a favour. Immediate family members ordinarily include parents, spouses, children and siblings.
- 6.7 Gifts or personal benefits with a value of over \$200 that are presented to staff or advisory body members by visiting dignitaries and/or delegations as an incident of protocol must be turned over to the City Clerk for safekeeping or disposition.
- 6.8 Gifts with a value of over \$200 presented to staff being paid to represent the City on speaking engagements, technical presentations, business meetings and functions where there is no conflict of interest as set out in s4.1 of this Code, or other related activities, must be turned over to the City Clerk for safekeeping or disposition.
- 6.9 Gifts in the form of cash honorariums, regardless of the amount, are to be turned over to the City Clerk. Such monetary gifts do not include reimbursement for out-of-pocket costs incurred by staff for travel, living and accommodation expenses associated with attendance at an event.
- 6.10 Council officials, staff and advisory body members must disclose receipt of any gift or personal benefit with more than a token value. The disclosure must be filed with the City Clerk as soon as practical. The disclosure will include a description of the gift or benefit, the estimated value, the donor, the recipient and its final disposition.
- 6.11 These gifts may be displayed in individual offices, general offices, or in the public areas of City Hall. Alternatively, they may be disposed of by sale or auction, with the proceeds credited to the City's general revenues.
- 6.12 The City Clerk will assist in determining a value for each gift or personal benefit for purposes of executing this Code of Conduct.

7 Interactions of Council, Staff and Advisory Body Members

- 7.1 Mayor and Council are the governing body of the City of Vancouver. It has the responsibility to govern the City in accordance with the Vancouver Charter and other legislation.
- 7.2 Council officials must act in accordance with Council's Procedure By-Law and the conduct guidelines outlined in this Code.
- 7.3 Council officials are to contact staff according to the procedures authorized by the City Manager regarding the interaction of Council members and staff. As a general guide, inquiries are to be directed to General Managers. Direct access to staff within a department is at the General Manager's discretion.
- 7.4 Where a Council official inquiry may, in the opinion of the City Manager, result in more than a few hours work or may involve sensitive matters, the Council official must obtain the approval of the City Manager or City Council.
- 7.5 Council officials must not direct or influence, or attempt to direct or influence, any staff or advisory body member in the exercise of their duties or functions.
- 7.6 Council officials are not to contact or issue instructions to any of the City's contractors, tenderers, consultants or other service providers.
- 7.7 Council members must not make public statements attacking or reflecting negatively on City of Vancouver staff or invoke staff matters for political purposes.
- 7.8 Council officials must not approach staff organizations about personal matters of individual staff members.
- 7.9 Council officials are to direct requests for working papers or preliminary drafts of reports to the General Manager. The General Manager may point out controversial or confidential aspects of the document, and may stress that the document may not represent the final position of staff.
- 7.10 The City Manager is responsible for the efficient and effective operation of the City organization and for ensuring the implementation of the decisions of the Council.
- 7.11 Staff are expected to:
- Give their attention to the business of the City while on duty;
 - Ensure that their work is carried out efficiently, economically and effectively;
 - Provide Council officials with information sufficient to enable them to carry out their civic functions;
 - Carry out lawful directions given by any person having authority to give such directions; and
 - Give effect to the lawful policies, decisions and practices of Council, whether or not the staff member agrees with or approves of them.

- 7.12 Staff should seek the advice and approval of their General Manager prior to responding to a direct request from Council officials, except where the request is minor or of a day-to-day operational nature.
- 7.13 Staff are to provide information and professional advice through regular City processes and are not to lobby Council members on any matter.
- 7.14 Staff must not make public statements unfairly attacking or reflecting negatively on City of Vancouver City Council, individual Council members and staff.
- 7.15 General Managers are to be equally helpful to all members of Council, and should close alliance, or the appearance of close alliance, with any particular member. Information and advice is to be provided as requested, within the limitations of this document.
- 7.16 Significant information provided to any member of Council, which is likely to be used in Council or in political debate, should also be provided to all other Council Members, and to the City Manager.
- 7.17 Advisory body members must act in accordance with the relevant sections of the Procedure By-Law and the conduct guidelines outlined in this document.
- 7.18 Advisory body members must not inappropriately direct or influence, or attempt to direct or influence, any staff in the exercise of their duties or functions except where such direction or influence is necessary to fulfill the specific mandate of the advisory body.
- 7.19 Advisory body members must not make public statements unfairly attacking or reflecting negatively on City of Vancouver individual staff or Council officials.

8 Breaches, Complaint Handling and Disciplinary Action

- 8.1 Council officials, staff and advisory body members are to abide by the requirements of the Vancouver Charter and the Code of Conduct.
- 8.2 The Mayor will consider alleged breaches to the Code of Conduct by Council officials and advisory body members, make and necessary enquiries and recommend appropriate disciplinary action to Council.
- 8.3 Alleged breaches in the Code of Conduct by Council officials, and advisory body officials should be reported in writing to the Mayor.
- 8.4 Where a Council official is reporting an alleged breach of conduct by a fellow Council official, the complainant should refrain from making allegations at meetings of Council.
- 8.5 The Mayor may recommend that Council take any actions provided for in the Code of Conduct that the Mayor considers reasonable in the circumstances.

- 8.6 Where Council finds that a Council member or advisory body member has breached the Code of Conduct, Council may decide by resolution to:
 - Censure the individual for misbehaviour;
 - Require the individual to apologize to any person adversely affected by the breach;
 - Counsel the individual; or
 - In the case of advisory body members, terminate their appointment.
- 8.7 Breaches of this Code by staff party to collective agreements will be handled through existing collective agreements and arbitration processes. These mechanisms include the ability for the City to take appropriate disciplinary action up to and including dismissal.
- 8.8 Breaches of this Code by exempt staff will be handled through existing processes, follow a duty of procedural fairness and in accordance with existing labour jurisprudence. The General Manager of Human Resource Services, departmental General Managers or equivalents and/or the City Manager review alleged breaches, make any necessary inquiries and determine appropriate disciplinary action.
- 8.9 Disciplinary processes for breaches of this Code by contract employees are written into contracts on a case by case basis, and will be dealt with in accordance with the conditions outlined therein.
- 8.10 Alleged breaches in the Code of Conduct by staff or contract employees should be reported in writing to a General Manager or equivalent.

RELATED POLICIES

- [AE-004-01](#) Accepting Gifts
- [AE-005-01](#) Conflict of Interest - Staff
- [AE-006-01](#) Speaking Engagements - Staff
- [AE-007-01](#) Political Involvement - Staff
- [AG-015-01](#) Computing and Telecommunications Facilities - General
- [CG-002-01](#) Dealing with Council - Staff

APPROVAL HISTORY

ISSUED BY: City Clerk	APPROVED BY: Council	DATE: 2008/05/15
------------------------------	-----------------------------	-------------------------