

CORPORATION OF THE TOWNSHIP OF MCKELLAR

BY-LAW NO. 2024-01

**Being a By-law to adopt a Conflict-of-Interest Policy
for all Personnel and Employees of the Township of
McKellar**

WHEREAS Section 223.2 of the *Municipal Act, 2001, S.O. 2001, c.25, as amended*, provides that municipalities may establish codes of conduct for Members of Council and local boards of the municipality; and

WHEREAS the Council of the Corporation of the Township of McKellar has enacted By-law No. 2023-54, being a By-law to adopt a Code of Conduct for Members of Council, Employees and Public Office Holders of the Township of McKellar, with third reading on September 5, 2023; and

WHEREAS Section 4.06.1 of By-law No. 2023-54 references the Municipal Conflict of Interest Act, which is applicable to members of Council; and

WHEREAS Council has deemed it appropriate and expedient to formally adopt a Conflict-of-Interest Policy that is applicable to not only members of Council but also to all Township personnel and employees;

NOW THEREFORE the Council of the Corporation of the Township of McKellar enacts as follows:

1. **THAT** the Township of McKellar Conflict of Interest Policy for all Personnel and Employees of the Township of McKellar is hereby adopted as set out in Schedule "A" attached hereto and forming part of this By-law;
2. **THAT** the Township of McKellar Conflict of Interest Policy be posted on the Municipal website;
3. **THAT** the Township of McKellar intends that any section or sections of this By-law which may be held to be invalid shall be severable from the remainder, and not be deemed to have persuaded or influenced Council to pass the remainder of the By-law;
4. **THAT** this By-law shall come into force and effect on the date of final passing thereof.

READ a FIRST and SECOND time this 23rd day of January, 2024.


David Moore, Mayor


Ina Watkinson, Clerk/Administrator

READ a THIRD time and **PASSED** in **OPEN COUNCIL** this 23rd day of January, 2024.


David Moore, Mayor


Ina Watkinson, Clerk/Administrator

Schedule 'A' to By-law 2024-01

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CONFLICT OF INTEREST POLICY

1.0 Policy Statement: Employees of the Township of McKellar are expected to conduct themselves with personal integrity, ethics, honesty, courtesy and diligence in performing their duties for the organization. Employees are required to support and advance the interests of the organization and avoid placing themselves in situations where their personal interests actually or potentially conflict with the interests of the Township.

2.0 Application: This policy applies to all Township of McKellar employees. The standards outlined in this policy are particularly relevant to employees who are in a position to make or influence decisions of the organization. The terms 'township', 'municipality', 'organization', 'corporation' are used interchangeably in this policy document.

3.0 Definitions:

"A conflict of interest" refers to a situation in which private interests or personal considerations may affect an employee's judgement in acting in the best interest of the Township of McKellar. It includes using an employee's position, confidential information or corporate time, material or facilities for private gain or advancement or the expectation of private gain or advancement. A conflict may occur when an interest benefits any member of the employee's family, friends or business associates.

"Confidential information" means information that is not available to the public and that, if disclosed, could result in harm to the Township or could give the person to whom it is disclosed an advantage.

"Employee" shall mean direct employees of the Corporation of the Township of McKellar, whether full-time, part-time, contract (including employees of staffing agencies) or casual (including students and volunteers). It also includes appointees to Township advisory boards and committees, unless those boards and committees have separate corporate existence.

4.0 Special Treatment: Employees are not allowed to use their positions to give anyone special treatment that would advance their own interests or that of any member of the employee's family, their friends or business associates.

5.0 Receiving Fees or Gifts: Employees may not accept gifts, money, discounts or favours including a benefit to family members, friends or business associates for doing work that the Township pays them to do. The exceptions to this are promotional gifts or those of nominal value (e.g. coffee mug or letter opener with the Township's logo or the occasional lunch.)

6.0 Outside Work or Business Activities: Employees may not engage in any outside work or business activity:

- (a) that conflict with their duties as Township employees;
- (b) which use their knowledge of confidential plans, projects or information about holdings of the corporation;
- (c) that uses in the employment or undertaking any Township premises, equipment or supplies; and
- (d) that will, or is likely to, negatively influence or affect them in carrying out their duties as Township employees.

7.0 Using Township Property: Employees may not use, or permit the use of, items of township property, facilities, equipment, supplies or other resources for activities not associated with their work. Any exceptions to this must be expressly approved by Council.

8.0 Confidential Information: Employees may not disclose confidential or privileged information about the property, or affairs of the municipal corporation, or use confidential information to advance personal or others' interests. Employees cannot divulge confidential or privileged information about the township's employees without those employees' written authorization.

9.0 Note on confidential information: The rule against giving out confidential information does not apply to an employee who alleges wrong doing on the part of the Township or its Council members, officers, employees, agents or contractors - as long as the disclosure of such information is not frivolous, vexatious or slanderous - and making the disclosure serves the public interest and is made in accordance with the provisions of this policy. This reporting of wrongdoing is known as whistle-blowing.

10.0 Financial Interest: Employees who knowingly have financial interests in a Township contract, sale or other business transaction, or have family members, friends or business associates with such interests, must not represent or advise the Township in such transactions.

11.0 Guidelines for Management and Professional Staff: Some positions in the organization are more susceptible than others to conflicts of interest. The following two sections are specifically for senior staff and department heads described below who give professional advice or assistance, or who work on program policies or budgets. These sections also refer to employees in confidential positions working with the above-mentioned staff. These positions include: Clerk/Administrator, Treasurer, Director of Operations, Chief Building Official, Fire Chief, By-law Enforcement Officer and Deputy Clerk.

12.0 Representing Others: Staff described in the paragraph above may not appear before Council or a Township committee on behalf of a private citizen other than himself/herself, his/her spouse, his/her parents, or his/her minor children, where the employee is either paid, or is involved in any way in the issue/policy.

13.0 Appointments: Staff who hold positions described above may not seek or accept appointment to a Township committee or board (except in the capacity of a Township employee) and require permission from Council before accepting appointments to other municipal, provincial or federal commissions, boards and committees. Staff who hold positions as board members on community agencies that deal with issues related to their work at the Township should inform Council of their appointments. When agency issues arise that place them in actual or potential conflict with Township policy or procedures, they should declare a conflict of interest.

14.0 Requirement to Report Conflict of Interest: If employees or their family members, friends or business associates have a personal or financial interest that might present a conflict or bias in connection with their duties as Township employees, they must report this conflict to Council in writing.

15.0 Reporting a Conflict of Interest: When an employee reports a conflict of interest to Council in writing, a copy is forwarded to the Clerk/Administrator. If an employee alleges wrong doing on the part of the Township or its Council members, officers, employees, agents or contractors he/she should report this in writing directly to the chief administrative officer.

16.0 Failure to Comply With the Policy: Employees who fail to comply with this policy are subject to disciplinary action up to and including dismissal.

17.0 Implementation: Managers and supervisors must make the policy available to all employees and must discuss the entire policy with their employees and highlight any of the rules that have particular relevance, given the nature of the employees' work. Managers and supervisors who need assistance interpreting rules and how they apply to specific situations must talk to their Council. Serious consequences may result from the contravention of this policy. Employees should check with management if they need assistance in interpreting whether a situation they have experienced or are confronting puts them in a conflict-of-interest situation.