

THE CORPORATION OF THE MUNICIPALITY OF SOUTH DUNDAS

BY-LAW NO. 2018-24

A BY-LAW to adopt the South Dundas Fire & Emergency Services Code of Conduct Policy No. 5-6.

WHEREAS *the Municipal Act, 2001*, as amended, states that a municipality and a local board shall adopt policies with respect to certain matters;

NOW THEREFORE the Council of the Corporation of the Municipality of South Dundas hereby enacts as follows:

1. THAT the South Dundas Fire & Emergency Services Code of Conduct Policy No. 5-6 be approved in accordance with Schedule "A" as attached to this By-law.
2. THAT this By-law and the Policy attached as Schedule "A" shall come into full force and effect on the date of passing.

READ and passed in open Council, signed and sealed this 20th day of March, 2018.

MAYOR

CLERK

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| POLICY MANUAL | <i>Policy No. 5-6</i> |
| For the Municipality of South Dundas | <i>Effective Date: March 2018</i> |
| <i>Subject: Code of Conduct</i> | <i>Department: Fire & Emergency Services</i> |

1. Purpose

1.1 The purpose of this Policy is to:

- 1.1.1 Set out the Municipality's expectations for the conduct of the Members of the SDFES to ensure that all Members adhere to the ethical standards and behaviors expected of them by the residents of the Municipality;
- 1.1.2 Ensure that the decisions of the Municipality and SDFES, with respect to the Members of the SDFES, are always fair, equitable, and transparent, and form a sound basis on which decisions respecting the conduct of the Members of the SDFES are made; and
- 1.1.3 Outline the high standards of practices expected of SDFES Members. The code of conduct will represent general standards that aim to be comprehensive, but not exhaustive.

2. Policy Statement

2.1 The residents of the Municipality recognize the importance of the SDFES and the dedication provided by those who are willing to serve as on call firefighters. Further, the Municipality is committed to providing the best possible emergency services for the residents of the Municipality. An essential element of this goal is to ensure that all Members of the SDFES are:

- 2.1.1 Aware of the expectations that the Municipality has with respect to the behaviour of Members of the SDFES;
- 2.1.2 Fully cognizant not only of these expectations, but also the consequences should these standards of behaviour, as set out herein, be breached; and,
- 2.1.3 Treated appropriately, consistently and with fairness in terms of the application of this Code of Conduct.

3. Application of Policy

- 3.1 The Fire Chief, in consultation with the CAO when necessary, will have the primary responsibility for the implementation, interpretation, and enforcement of this Code of Conduct.
- 3.2 This policy shall apply to all Members of the SDFES.
- 3.3 It is the responsibility of every Member affected by this policy to read it, be familiar with it, agree to the terms of the Code of Conduct, and be guided by same.
- 3.4 Any amendments to this policy shall be posted and/or distributed to all SDFES Members.

4. Definitions

- 4.1 "Chief Administrative Officer" means the person appointed by Council.
- 4.2 "Family" and "Relative" shall include immediate family; i.e., spouse (includes common-law or same sex), mother, father, sons, daughters, brothers, sisters and in-laws (i.e. mother-in-law, father-in-law, sons-in-law, daughters-in-law, brothers-in-law and sisters-in-law.)
- 4.3 "SDFES" means the Municipality of South Dundas Fire & Emergency Service.
- 4.4 "Member" means any person employed in, or appointed to, the Fire Department and assigned to undertake Fire Protection Services, and includes Officers, and Firefighters.
- 4.5 "Fire Chief" means the person appointed by Council as the Fire Chief for the Municipality.

5. General

- 5.1 Every Member of the SDFES is expected to:
 - 5.1.1 Always conduct themselves, on and off duty, in a manner that does not reflect negatively on the SDFES;
 - 5.1.2 Show courtesy and respect always in dealing with members of the public and fellow firefighters;
 - 5.1.3 Be respectful and conscious of each Member's safety and welfare; and
 - 5.1.4 Recognize that they serve in a position of public trust that requires stewardship in the honest and efficient use of publicly owned resources, including uniforms, facilities, vehicles and equipment and that these resources are protected from misuse and theft.
- 5.2 The Fire Chief, is responsible to Council, through the CAO, for the proper administration and operation of the SDFES and for the discipline of its Members and, in doing so, may make such general orders and

departmental policies and procedures as may be necessary for the care and protection of the department and its efficient operation, provided such general orders and rules do not conflict with the provisions of any By-laws of the Municipality or SDFES.

- 5.3 All Members shall familiarize themselves with, and follow, all Standard Operating Guidelines, Standard Operating Policies and Procedures (SOP/SOG). Any disciplinary action in response to a failure on the part of a Member to follow these policies, procedures and guidelines rests with the Fire Chief in accordance with this Code of Conduct and will be based on the circumstances, with consideration for the safety of the Members.
- 5.4 All orders given by an Officer must be complied with and their authority shall not be questioned unless the Member believes that there is a safety concern. Every Member shall understand that they are entirely under the direction of the Officer in charge or senior person. While on duty at emergencies, in station, at training, on parade or while acting as a Member of the SDFES in any manner, all orders given by the Officer in charge must be immediately acted upon and implicitly obeyed.
- 5.5 Failure to respect the SDFES Chain of Command is grounds for disciplinary action in accordance with this policy, up to and including dismissal for cause.
- 5.6 No Member shall consume alcoholic beverages or use a prescription or non-prescription drug while on duty that may impair his/her ability to perform the duties required of them. Furthermore, Members shall not respond to an emergency, training session, assigned duty or any other department function or activity when his/her ability is impaired by any such beverages or drug nor shall they be permitted to remain on duty if found to be impaired, by the Officer in charge. If a Member is required, due to a medical condition, to consume a prescription medication that impairs his/her ability to perform his/her duties, he/she shall notify SDFES in advance and SDFES shall determine the extent to which the Member's medical needs can be accommodated.

6. Respect in the Workplace

- 6.1 The SDFES expects every member to abide by the terms of the Occupational Health and Safety Act, any regulation made pursuant to the Act, and the Municipal "Respect in the Workplace Policy No. 3-10 (Harassment and Violence)" that forms part of this Code of Conduct.

7. Conflict of Interest

- 7.1 Members must disclose and take reasonable steps to avoid any conflict of interest (real or apparent) in connection with their employment with the SDFES.
- 7.2 A conflict of interest is defined as any circumstance that interferes with, or potentially may interfere with, the Member's obligations with the SDFES. In considering whether a conflict of interest exists, the relationship of the Member and his or her Family and Relatives with suppliers, contractors and other third parties who deal with the Municipality should be considered. If a Member has any doubt about whether they are in a conflict of interest position, they should consult with the Fire Chief. In all cases where a conflict of interest may exist, the Municipality may or may not provide the affected Member the opportunity to remedy the conflict of interest.

8. Confidential Information

- 8.1 No Member shall supply information which may be of a sensitive or confidential nature, relating to the SDFES, to any person, including any member of the press, unless authorized by the Fire Chief. If a Member is uncertain as to whether information may be of a sensitive or confidential nature, he/she shall discuss the matter with the Fire Chief before any disclosure is made.
- 8.2 Some examples of confidential information for which care should be exercised are:
- Items under litigation
 - Personnel matters
 - Information which infringes upon the right of privacy of another
 - Sources of complaints about a variety of matters where the identity of the complainant is given in confidence
 - Information about suppliers which might be useful to competitors
 - Items under negotiation
 - Information supplied in support of license applications, etc., where such information is not part of public documentation
 - Schedule of prices in contract tenders

9. Communications, Media Relations and Social Media Conduct

- 9.1 The official spokesperson for the SDFES shall be the Fire Chief, if specific information is requested. Prior approval for any media comments or public relations activities should be sought from the Fire Chief.

- 9.2 No Member shall supply information relating to the SDFES, whether it is administrative or operational in nature, to any person, unless authorized by the Fire Chief, and Members shall refer all such requests for information to the Fire Chief.
- 9.3 All communications (internal/external) regarding department or Municipal actions are open and free to the public under the *Municipal Freedom of Information and Protection of Privacy Act*. Therefore, all communications shall not:
- Use profane language or contain obscene content
 - Support or advertise commercial services, entities or products
 - Be obscene;
 - Discuss or encourage illegal activity
 - Contain information that may compromise the safety and security of the public or public systems
 - Contain disrespectful or disparaging content towards staff, public, Council, or other fire service members
- 9.4 No Member shall, in a public forum, social media, etc., express a comment or opinion respecting the operations or policies of the SDFES, which could be seen to compromise the interests or integrity of the SDFES, or the Municipality. Similarly, Members must use caution to ensure these interests are not compromised using Municipality or SDFES letterhead and email addresses.
- 9.5 It is not the intent of this Code of Conduct to restrict the ability of Members to express a personal opinion on matters of general interest. In such cases, the Member must make it clear that the comment is being made in their capacity as a private citizen, and not as a representative of the SDFES.
- 9.6 A Member who, in any way, publishes or otherwise makes known in a public forum, false or inflammatory comments about the SDFES, Municipal staff or Council, shall be in breach of the Code of Conduct.
- 9.7 Members shall conduct themselves on social media in a manner that conforms to this Code of Conduct. Members must not use social media in a manner that would harm the reputation of the SDFES. Such conduct includes but is not limited to slurs, derogatory comments, or insults.

10. Use of Municipal Property

- 10.1 Municipal property shall not be used by Members for personal use unless through prior approval of the Fire Chief.
- 10.2 No Member shall hold social events in a SDFES fire station.
- 10.3 No Member may borrow, lend or remove any SDFES equipment without the expressed permission of the Fire Chief.

- 10.4 Every Member shall be responsible for the loss or damage of any equipment or items issued to him/her if it is found that the loss or damage was the result of carelessness or improper use. Members may be subject to disciplinary action as a result of a loss or damage, which may include assessing a penalty for payment of the loss or damage.
- 10.5 No Member shall make financial gain from the use of or sale of Municipal property, including computer programs, technological innovations or other patentable items, either while a Member of the SDFES or thereafter. All such property shall remain in exclusive ownership of the Municipality.

11. Gifts and Benefits

- 11.1 Firefighters may not accept or provide any gift, entertainment, benefit, favour, or obligation in exchange for special consideration or influence, or where it may be perceived to be in exchange for special treatment.

12. Fraud/Breach of Trust

- 12.1 Members shall not engage in behaviour that is fraudulent or that constitutes a breach of trust with the SDFES or the Municipality. Such conduct includes but is not limited to:
- a. Using deceit to gain a personal advantage, pecuniary interest or benefit for oneself;
 - b. Illegally obtaining money, including the solicitation or acceptance of bribes or favours;
 - c. Intentionally providing false or incomplete information to SDFES or the Municipality;
 - d. Intentionally circumventing SDFES or Municipal policies or procedures to gain a personal advantage for oneself and/or others;
 - e. Planning or participating in a theft of SDFES or Municipal property, or the use of said property to aid or conduct a theft of any kind;
 - f. Inappropriate personal use of or intentional damage of SDFES or Municipal property;
 - g. Undertaking any other illegal activity.

13. Political and Community Activity

- 13.1 To ensure public trust, Members must be, and appear to be, impartial and free of undue political influence in the exercise of their official duties. Members engaged in political activities must take care to separate those personal activities from their official positions.

14. Enforcement

- 14.1 All SDFES members shall read, understand and accept the terms of this Code of Conduct and sign an acknowledgement that they have done so, a copy of which is to be placed in each member's personnel file. This Acknowledgment is found in Appendix "A" herein.
- 14.2 The observance of this Code of Conduct shall be a condition of employment with the SDFES. Breaches of the Code of Conduct will provide grounds for disciplinary action including, in serious cases, dismissal for cause.
- 14.3 All SDFES Members are responsible for ensuring that this Code of Conduct is respected and enforced at all times.
- 14.4 Where a Member has some reason to be concerned about a possible breach of this Code of Conduct, the Fire Chief shall be consulted immediately. All such complaints or allegations are to be held in total confidence pending review and/or investigation.
- 14.5 Conflict of interest matters concerning the Fire Chief shall be referred to the CAO.
- 14.6 The Fire Chief, or CAO if subsection 14.5 is applicable, is responsible for ensuring that any such allegations of breaches of the Code of Conduct are properly and thoroughly investigated and appropriate action taken.

15. Investigations

- 15.1 Depending on the nature and severity of the infraction, the Fire Chief may decide to undertake a formal investigation using either internal (or external with the approval of the CAO) resources. The Member may be placed on a leave of absence without pay pending the outcome of any investigation into an alleged infraction of this Code of Conduct but will have an opportunity to respond to any allegations respecting a breach made against him or her during the course of the investigation.

16. Disciplinary Actions/Protocol

- 16.1 Any Member under an investigation for any breach of this Code of Conduct shall be given a reasonable opportunity to explain his/her action so that all facts and/or circumstances may be identified and recorded.
- 16.2 In accordance with the principle of progressive discipline, the severity of discipline will typically increase as the number of incidents increases and/or depending on the nature of the transgression. The Fire Chief in consultation with the CAO, retains the right to repeat or skip steps based on the facts and circumstances of each incident.
- 16.3 It is possible that, based on the nature, severity and other circumstances of the incident, as well as the number of incidents, dismissal with cause will be appropriate.
- 16.4 The steps of progressive discipline include:
 - Verbal warning
 - Written warning
 - Suspension
 - Dismissal with cause
- 16.5 Any Member subject to any of the above disciplinary actions shall be entitled to receive the following information, as applicable:
 - Description of the infraction
 - Warning that repetition of the infraction or other unsatisfactory conduct shall result in more severe disciplinary action, including suspension or dismissal with cause
 - Length of suspension, if applicable
- 16.6 The Fire Chief may determine the appropriate disciplinary action for breaches of this Code of Conduct up to, but not including, dismissal and shall ensure that the CAO is informed of such action in accordance with the Establishing and Regulating By-Law.
- 16.7 Where the Fire Chief has determined that dismissal is the appropriate disciplinary action in respect of any Member found to have breached this Code of Conduct, the Fire Chief shall recommend such disciplinary action to the CAO.
- 16.8 The CAO may decide to accept the recommendation of the Fire Chief, in consultation with the Mayor and/or Council at the CAO's discretion. In any event, the CAO must report any dismissal to Council at the earliest opportunity, prior to any dismissal, setting out the reasons for the dismissal.

17. Severability

17.1 The provisions of this Code of Conduct are severable and, if any provision, section or word is held invalid or illegal, such validity or illegality shall not affect or impair any of the remaining provisions, sections or words.

APPENDIX "A"

**DECLARATION OF
UNDERSTANDING & ACKNOWLEDGMENT
This declaration is required for all members of the
South Dundas Fire & Emergency Service**

I have read and understand the policies, rules and regulations noted herein and further understand that non-compliance with any one or more of these policies, rules and regulations may be cause for disciplinary action up to and including a recommendation for dismissal from the South Dundas Fire & Emergency Service. I further understand that it is my responsibility to review the South Dundas Fire & Emergency Service Operational Procedures and Guidelines as printed and posted from time to time in the fire stations.

I hereby declare:

1. That I have read and understand the SDFES Code of Conduct and understand the consequences, or potential consequences, associated with a breach of this Code.

2. I am___/am not___ in a conflict of interest with the Municipality and I am aware of no circumstances within the foreseeable future that may place me in a conflict of interest position with the Municipality.

Member's Signature

Fire Chief's Signature

Date

Date