



City of Hamilton
AUDIT, FINANCE AND ADMINISTRATION COMMITTEE
AGENDA

Meeting #: 23-009
Date: June 1, 2023
Time: 9:30 a.m.
Location: Council Chambers
Hamilton City Hall
71 Main Street West

Tamara Bates, Legislative Coordinator (905) 546-2424 ext. 4102

1. **CEREMONIAL ACTIVITIES**
2. **APPROVAL OF AGENDA**
(Added Items, if applicable, will be noted with *)
3. **DECLARATIONS OF INTEREST**
4. **APPROVAL OF MINUTES OF PREVIOUS MEETING**
 - 4.1 May 18, 2023
5. **COMMUNICATIONS**
6. **DELEGATION REQUESTS**
7. **DELEGATIONS**
8. **STAFF PRESENTATIONS**
9. **CONSENT ITEMS**
 - 9.1 Hamilton Women and Gender Equity Committee - No Quorum Notes, May 4, 2023
 - 9.2 Utility Billing Transition Program Update (FCS21082(e)) (City Wide)

9.3 Parkland Dedication Reserve Report as of December 31, 2022 (FCS23041) (City Wide)

9.4 Amendment to Code of Conduct Policy (HUR23009) (City Wide)

10. DISCUSSION ITEMS

11. MOTIONS

12. NOTICES OF MOTION

13. GENERAL INFORMATION / OTHER BUSINESS

14. PRIVATE AND CONFIDENTIAL

14.1 Closed Minutes - May 18, 2023

Pursuant to Section 9.3, Sub-sections (a) and (i) of the City's Procedural By-law 21-021, as amended, and Section 239(2), Sub-sections (a) and (i) of the *Ontario Municipal Act, 2001*, as amended, as the subject matter pertains to the security of the property of the City or a local board; and a trade secret or scientific, technical, commercial, financial or labour relations information, supplied in confidence to the municipality or local board, which, if disclosed, could reasonably be expected to prejudice significantly the competitive position or interfere significantly with the contractual or other negotiations of a person, group of persons, or organization.

15. ADJOURNMENT



AUDIT, FINANCE AND ADMINISTRATION COMMITTEE MINUTES 23-008

**9:30 a.m.
May 18, 2023
Council Chambers
Hamilton City Hall**

Present: Councillors C. Kroetsch (Chair), J. Beattie, B. Clark, M. Spadafora, M. Tadeson, A. Wilson, and M. Wilson

Absent

with Regrets: T. Hwang (Vice-Chair) – City Business

THE FOLLOWING ITEMS WERE REFERRED TO COUNCIL FOR CONSIDERATION:

1. Workplace Mental Health and Wellbeing Strategy (2023 –2026) (HUR23007) (City Wide) (Added Item 8.1)

(Spadafora/Tadeson)

That Report HUR23007, respecting the Workplace Mental Health and Wellbeing Strategy (2023 –2026), be received.

Result: Motion CARRIED by a vote of 7 to 0, as follows:

YES - Ward 1 Councillor Maureen Wilson
YES - CHAIR - Ward 2 Councillor Cameron Kroetsch
ABSENT - Ward 4 Councillor Tammy Hwang
YES - Ward 9 Councillor Brad Clark
YES - Ward 10 Councillor Jeff Beattie
YES - Ward 11 Councillor Mark Tadeson
YES - Ward 13 Councillor Alex Wilson
YES - Ward 14 Councillor Mike Spadafora

2. Consent Items (Items 9.3-9.6))

(M. Wilson/Spadafora)

That the following Consent Items, be received:

- (a) 2022 Provincial Offences Administration Annual Report (FCS23057) (City Wide) (Item 9.3)
- (b) Reserve / Revenue Fund Investment Performance Report – December 31, 2022 (FCS23001) (City Wide) (Item 9.4)

- (c) Hamilton Future Fund Investment Performance Report – December 31, 2022 (FCS23050) (City Wide) (Item 9.5)
- (d) Cemetery Trust Accounts Investment Performance Report – December 31, 2022 (FCS23053) (City Wide) (Item 9.6)

Result: Motion CARRIED by a vote of 7 to 0, as follows:

YES - Ward 1 Councillor Maureen Wilson
YES - CHAIR - Ward 2 Councillor Cameron Kroetsch
ABSENT - Ward 4 Councillor Tammy Hwang
YES - Ward 9 Councillor Brad Clark
YES - Ward 10 Councillor Jeff Beattie
YES - Ward 11 Councillor Mark Tadeson
YES - Ward 13 Councillor Alex Wilson
YES - Ward 14 Councillor Mike Spadafora

3. Proposed Write-off for Provincial Offences (FCS23058) (City Wide) (Item 10.1)

(Spadafora/Tadeson)

That staff be authorized to write-off the following outstanding Provincial Offences fines deemed uncollectible, in the total amount of \$1,162,409.32:

- (a) \$729,194.11 in uncollectible fines with a default date of December 31, 2015 and prior;
- (b) \$2,542.33 in underpayments from April 1, 2022 through March 31, 2023; and
- (c) \$430,672.88 in fines held by persons deceased in 2022.

Result: Motion CARRIED by a vote of 7 to 0, as follows:

YES - Ward 1 Councillor Maureen Wilson
YES - CHAIR - Ward 2 Councillor Cameron Kroetsch
ABSENT - Ward 4 Councillor Tammy Hwang
YES - Ward 9 Councillor Brad Clark
YES - Ward 10 Councillor Jeff Beattie
YES - Ward 11 Councillor Mark Tadeson
YES - Ward 13 Councillor Alex Wilson
YES - Ward 14 Councillor Mike Spadafora

4. Capital Project Closing Report as of December 31, 2022 (FCS22079(b)) (City Wide) (Item 10.2)

(Tadeson/Spadafora)

- (a) That the General Manager, Finance and Corporate Services, be authorized to transfer a net amount of \$205,636.16 to the Unallocated Capital Levy Reserve (108020) and a net amount of \$13,933,760.30 to other reserves as outlined in Appendix "A" to Report FCS22079(b);
- (b) That the General Manager, Finance and Corporate Services, be directed to close the completed and / or cancelled capital projects listed in Appendix "B" to Report FCS22079(b) in accordance with the Capital Projects Closing and Monitoring Policy;
- (c) That Appendix "C" to Report FCS22079(b), Capital Projects Budget Appropriations for the period covering October 1, 2022 through December 31, 2022, be received as information;
- (d) That Appendix "D" to Report FCS22079(b) Capital Projects Budget Appropriations of \$250,000 or greater and Capital Project Reserve Funding Requiring Council Approval, be approved; and
- (e) That the financing plan amendments recommending exchanges of municipal levy funding and Canada Community-Building Fund due to eligibility constraints, outlined in Appendix "E" to Report FCS22079(b) Capital Projects Budget Appropriations between Current Contributions and Canada Community-Building Fund resulting in a net zero budget adjustment, be approved.

Result: Motion CARRIED by a vote of 7 to 0, as follows:

YES - Ward 1 Councillor Maureen Wilson
YES - CHAIR - Ward 2 Councillor Cameron Kroetsch
ABSENT - Ward 4 Councillor Tammy Hwang
YES - Ward 9 Councillor Brad Clark
YES - Ward 10 Councillor Jeff Beattie
YES - Ward 11 Councillor Mark Tadeson
YES - Ward 13 Councillor Alex Wilson
YES - Ward 14 Councillor Mike Spadafora

5. Treasurer's Investment Report 2022 Fiscal Year by Aon (FCS23042) (City Wide) (Item 10.3)

(Spadafora/Tadeson)

That Report FCS23042, respecting Treasurer's Investment Report 2022 Fiscal Year by Aon, be forwarded to the Hamilton Future Fund Board of Governors for information.

Result: Motion CARRIED by a vote of 7 to 0, as follows:

YES - Ward 1 Councillor Maureen Wilson
YES - CHAIR - Ward 2 Councillor Cameron Kroetsch
ABSENT - Ward 4 Councillor Tammy Hwang

- YES - Ward 9 Councillor Brad Clark
- YES - Ward 10 Councillor Jeff Beattie
- YES - Ward 11 Councillor Mark Tadeson
- YES - Ward 13 Councillor Alex Wilson
- YES - Ward 14 Councillor Mike Spadafora

6. Continued Standardization Contract for Systems Furniture for the City of Hamilton (FCS22071(a)/PW22065(a)) (City Wide) - Outstanding Business Item (Item 10.4)

(Tadeson/Beattie)

- (a) That Council approve the standardization of Systems Furniture manufactured and procured from Teknion Limited, pursuant to Policy #11 Non-Competitive Procurements and Procurement Policy #14 – Standardization, until December 31, 2027 and that the General Manager, Public Works Department be authorized to enter into and execute any required Contract and any ancillary documents required to give effect thereto with Teknion Limited, in a form satisfactory to the City Solicitor and Director of Financial Services and Taxation;
- (b) That Appendix “A” to Report FCS22071(a)/PW22065(a) remain confidential as it contains proprietary and sensitive competitive financial information of Teknion Limited, which was provided to the City of Hamilton in confidence for the negotiation of the Contract; and
- (c) That the item representing continued standardization and request to negotiate a contract for systems furniture for the City of Hamilton will be considered complete and removed from the Audit, Finance and Administration Committee Outstanding Business List.

Result: Motion CARRIED by a vote of 5 to 1, as follows:

- YES - Ward 1 Councillor Maureen Wilson
- YES - CHAIR - Ward 2 Councillor Cameron Kroetsch
- ABSENT - Ward 4 Councillor Tammy Hwang
- NO - Ward 9 Councillor Brad Clark
- YES - Ward 10 Councillor Jeff Beattie
- YES - Ward 11 Councillor Mark Tadeson
- YES - Ward 13 Councillor Alex Wilson
- ABSENT - - Ward 14 Councillor Mike Spadafora

7. Grants Sub-Committee Report 23-002 (May 16, 2023) (Added Item 10.5)

(Spadafora/M. Wilson)

- (a) **2023 City Enrichment Funding Recommendations (GRA23003) (City Wide) (Item 5.1)**

- (a) That, the 2023 City Enrichment Fund (CEF) recommended funding allocation, in the amount of \$6,609,219 (attached as Appendix “A” to Grants Sub-Committee Report 23-002), be approved;
- (b) That, Appendix “B” to GRA23003, Application Summary be received;
- (c) That, Appendix “B” to Grants Sub-Committee Report 23-002, Payment Plan be approved;
- (d) That, the funding for the following approved grants be withheld, pending the submission of additional information, by July 20, 2023:
 - (i) AGR-A15 Stoney Creek BIA
 - (ii) AGR-A16 Wentworth District Women's Institute
 - (iii) AGR-A17 Westdale Village BIA
 - (iv) ART-B2 Festival of Friends
 - (v) ART-A14 Hamilton Literary Festival Association
 - (vi) ART-A33 Industry Performance Makers Arts Organization
 - (vii) ART-D7 Deepti Gupta
 - (viii) CCH-A5 Concession BIA
 - (ix) CCH-A21 Chorus Hamilton
 - (x) CCH-A23 Concession BIA
 - (xi) CCH-A24 Downtown Dundas BIA
 - (xii) CCH-A41 Rotary Club of Waterdown
 - (xiii) CCH-A42 Winona Peach Festival
 - (xiv) CCH-A43 Zula Music and Arts Collective Hamilton
- (e) That, the funding for the following approved grants to the organizations with outstanding arrears with the City Enrichment Fund, be withheld (if applicable) pending the full settlement of such arrears:
 - (i) ART-A2 Art Gallery of Hamilton
 - (ii) ART-A32 Immigrant Culture and Art Association (ICAA)
 - (iii) CCH-A11 India Canada Society
 - (iv) CCH-A26 Dundas Cactus Parade Inc.
 - (v) CCH-A32 Hamilton Folk Arts Heritage Council
 - (vi) CCH-A39 South Asian Heritage Association of Hamilton & Region
 - (vii) CCH-A47 Flamborough Santa Claus Parade
 - (viii) CCH-A49 Hamilton Waterfront Trust
- (f) That, Appendix “D” to GRA23003, applicant demographics including equity, diversity and inclusion overview, be received;
- (g) That any successful Category A applicant organization adversely impacted and hindering operational capacity due to recommended funding request amount, report to City of Hamilton, City Enrichment Fund staff by June 2nd, 2023 indicating implications hindering

successfully carrying out programming according to appeal requirements;

- (h) That staff be directed to report back on appeals process **and recommendations with an overview of all submitted applicant appeals, in the form of an information report**, upon concluding the appeals process to the Grants Sub-Committee by mid-June 2023.
- (i) **That staff, in collaboration with community groups in receipt of city enrichment funds, report back to the Audit, Finance and Administration Committee in advance of the next application cycle a procedure whereby any funds owing to the City as it relates to previous year commitments may be clawed back from future commitments.**

Main Motion, as **Amended**, to read as follows, with the exception of sub-section (h), which is to be voted on separately:

- (a) That, the 2023 City Enrichment Fund (CEF) recommended funding allocation, in the amount of \$6,609,219 (attached as Appendix “A” to Grants Sub-Committee Report 23-002), be approved;
- (b) That, Appendix “B” to GRA23003, Application Summary be received;
- (c) That, Appendix “B” to Grants Sub-Committee Report 23-002, Payment Plan be approved;
- (d) That, the funding for the following approved grants be withheld, pending the submission of additional information, by July 20, 2023:
 - (i) AGR-A15 Stoney Creek BIA
 - (ii) AGR-A16 Wentworth District Women's Institute
 - (iii) AGR-A17 Westdale Village BIA
 - (iv) ART-B2 Festival of Friends
 - (v) ART-A14 Hamilton Literary Festival Association
 - (vi) ART-A33 Industry Performance Makers Arts Organization
 - (vii) ART-D7 Deepti Gupta
 - (viii) CCH-A5 Concession BIA
 - (ix) CCH-A21 Chorus Hamilton
 - (x) CCH-A23 Concession BIA
 - (xi) CCH-A24 Downtown Dundas BIA
 - (xii) CCH-A41 Rotary Club of Waterdown
 - (xiii) CCH-A42 Winona Peach Festival
 - (xiv) CCH-A43 Zula Music and Arts Collective Hamilton
- (e) That, the funding for the following approved grants to the organizations with outstanding arrears with the City Enrichment

Fund, be withheld (if applicable) pending the full settlement of such arrears:

- (i) ART-A2 Art Gallery of Hamilton
- (ii) ART-A32 Immigrant Culture and Art Association (ICAA)
- (iii) CCH-A11 India Canada Society
- (iv) CCH-A26 Dundas Cactus Parade Inc.
- (v) CCH-A32 Hamilton Folk Arts Heritage Council
- (vi) CCH-A39 South Asian Heritage Association of Hamilton & Region
- (vii) CCH-A47 Flamborough Santa Claus Parade
- (viii) CCH-A49 Hamilton Waterfront Trust

- (f) That, Appendix “D” to GRA23003, applicant demographics including equity, diversity and inclusion overview, be received;
- (g) That any successful Category A applicant organization adversely impacted and hindering operational capacity due to recommended funding request amount, report to City of Hamilton, City Enrichment Fund staff by June 2nd, 2023 indicating implications hindering successfully carrying out programming according to appeal requirements;
- (i) ***That staff, in collaboration with community groups in receipt of city enrichment funds, report back to the Audit, Finance and Administration Committee in advance of the next application cycle a procedure whereby any funds owing to the City as it relates to previous year commitments may be clawed back from future commitments.***

Result: Main Motion, as Amended, with the exception of sub-section (h), CARRIED by a vote of 7 to 0, as follows:

YES - Ward 1 Councillor Maureen Wilson
YES - CHAIR - Ward 2 Councillor Cameron Kroetsch
ABSENT - Ward 4 Councillor Tammy Hwang
YES - Ward 9 Councillor Brad Clark
YES - Ward 10 Councillor Jeff Beattie
YES - Ward 11 Councillor Mark Tadeson
YES - Ward 13 Councillor Alex Wilson
YES - Ward 14 Councillor Mike Spadafora

Upon Committee’s request, sub-section (h) was voted on separately, as follows:

- (h) That staff be directed to report back on appeals process ***and recommendations with an overview of all submitted applicant appeals, in the form of an information report***, upon concluding

the appeals process to the Grants Sub-Committee by mid-June 2023.

Result: Motion on sub-section (h), as Amended CARRIED by a vote of 5 to 2, as follows:

YES - Ward 1 Councillor Maureen Wilson
YES - CHAIR - Ward 2 Councillor Cameron Kroetsch
ABSENT - Ward 4 Councillor Tammy Hwang
NO - Ward 9 Councillor Brad Clark
YES - Ward 10 Councillor Jeff Beattie
YES - Ward 11 Councillor Mark Tadeson
YES - Ward 13 Councillor Alex Wilson
NO - Ward 14 Councillor Mike Spadafora

8. Auditor General Reporting of Serious Matters to Council (Case #65357) (AUD23007) (City Wide) (Item 14.2)

(A. Wilson/Tadeson)

That Report AUD23007, respecting the Auditor General Reporting of Serious Matters to Council (Case #65357), be received and remain confidential

Result: Motion CARRIED by a vote of 6 to 0, as follows:

YES - Ward 1 Councillor Maureen Wilson
YES - CHAIR - Ward 2 Councillor Cameron Kroetsch
ABSENT - Ward 4 Councillor Tammy Hwang
YES - Ward 9 Councillor Brad Clark
YES - Ward 10 Councillor Jeff Beattie
YES - Ward 11 Councillor Mark Tadeson
YES - Ward 13 Councillor Alex Wilson
ABSENT - Ward 14 Councillor Mike Spadafora

FOR INFORMATION:

(a) CHANGES TO THE AGENDA (Item 2)

The Committee Clerk advised of the following changes to the agenda:

8. STAFF PRESENTATIONS

8.1 Workplace Mental Health and Wellbeing Strategy (2023 – 2026) (HUR23007) (City Wide)

9. CONSENT ITEMS

9.2 Workplace Mental Health and Wellbeing Strategy (2023 – 2026) (HUR23007) (City Wide) **Moved to Item 8.1**

10. DISCUSSION ITEMS

10.1 Grants Sub-Committee Report 23-002 (May 16, 2023)

(Spadafora/Tadeson)

That the agenda for the May 18, 2023 Audit, Finance and Administration Committee meeting, be approved, as amended.

Result: Motion CARRIED by a vote of 6 to 0, as follows:

YES - Ward 1 Councillor Maureen Wilson
YES - CHAIR - Ward 2 Councillor Cameron Kroetsch
ABSENT - Ward 4 Councillor Tammy Hwang
YES - Ward 9 Councillor Brad Clark
ABSENT - Ward 10 Councillor Jeff Beattie
YES - Ward 11 Councillor Mark Tadeson
YES - Ward 13 Councillor Alex Wilson
YES - Ward 14 Councillor Mike Spadafora

(b) DECLARATIONS OF INTEREST (Item 3)

There were no declarations of interest.

(c) APPROVAL OF MINUTES OF PREVIOUS MEETING (Item 4)

(i) May 4, 2023 (Item 4.1)

(Spadafora/Tadeson)

That the Minutes of the May 4, 2023 meeting of the Audit, Finance and Administration Committee, be approved, as presented.

Result: Motion CARRIED by a vote of 6 to 0, as follows:

YES - Ward 1 Councillor Maureen Wilson
YES - CHAIR - Ward 2 Councillor Cameron Kroetsch
ABSENT - Ward 4 Councillor Tammy Hwang
YES - Ward 9 Councillor Brad Clark
ABSENT - Ward 10 Councillor Jeff Beattie
YES - Ward 11 Councillor Mark Tadeson
YES - Ward 13 Councillor Alex Wilson
YES - Ward 14 Councillor Mike Spadafora

(d) STAFF PRESENTATIONS (Item 8)

(i) Workplace Mental Health and Wellbeing Strategy (2023 –2026) (HUR23007) (City Wide) (Added Item 8.1)

David Lindeman, Manager Health, Safety and Wellness, addressed Committee respecting the Workplace Mental Health and Wellbeing Strategy (2023 –2026), with the aid of a presentation.

(Spadafora/Tadeson)

That the presentation from David Lindeman, Manager Health, Safety and Wellness, respecting the Workplace Mental Health and Wellbeing Strategy (2023 –2026), be received.

Result: Motion CARRIED by a vote of 7 to 0, as follows:

YES - Ward 1 Councillor Maureen Wilson
YES - CHAIR - Ward 2 Councillor Cameron Kroetsch
ABSENT - Ward 4 Councillor Tammy Hwang
YES - Ward 9 Councillor Brad Clark
YES - Ward 10 Councillor Jeff Beattie
YES - Ward 11 Councillor Mark Tadeson
YES - Ward 13 Councillor Alex Wilson
YES - Ward 14 Councillor Mike Spadafora

For further disposition of this matter, refer to Item 1

(e) CONSENT ITEMS (Item 9)

(i) Hamilton Women and Gender Equity Committee Minutes (Item 9.1)

(Spadafora/Tadeson)

That the following Hamilton Women and Gender Equity Committee Minutes, be received:

1. January 26, 2023 (Item 9.1(a)); and
2. February 16, 2023 (Item 9.1(b))

Result: Motion CARRIED by a vote of 7 to 0, as follows:

YES - Ward 1 Councillor Maureen Wilson
YES - CHAIR - Ward 2 Councillor Cameron Kroetsch
ABSENT - Ward 4 Councillor Tammy Hwang
YES - Ward 9 Councillor Brad Clark
YES - Ward 10 Councillor Jeff Beattie
YES - Ward 11 Councillor Mark Tadeson
YES - Ward 13 Councillor Alex Wilson
YES - Ward 14 Councillor Mike Spadafora

**(ii) 2022 Provincial Offences Administration Annual Report (FCS23057)
(City Wide) (Item 9.3)**

(Clark/Tadeson)

That staff be directed to include, in future Provincial Offences Administration Annual Reports, information on how the City is collecting on accounts receivable and an explanation of the City's three-tier collections process.

Result: Motion CARRIED by a vote of 7 to 0, as follows:

YES - Ward 1 Councillor Maureen Wilson
YES - CHAIR - Ward 2 Councillor Cameron Kroetsch
ABSENT - Ward 4 Councillor Tammy Hwang
YES - Ward 9 Councillor Brad Clark
YES - Ward 10 Councillor Jeff Beattie
YES - Ward 11 Councillor Mark Tadeson
YES - Ward 13 Councillor Alex Wilson
YES - Ward 14 Councillor Mike Spadafora

For further disposition of this matter, refer to Item 2 (a)

(f) DISCUSSION ITEMS (Item 10)

(i) Continued Standardization Contract for Systems Furniture for the City of Hamilton (FCS22071(a)/PW22065(a)) (City Wide) - Outstanding Business Item (Item 10.4)

(Clark/Tadeson)

That consideration of Report FCS22071(a)/PW22065(a), respecting Continued Standardization Contract for Systems Furniture for the City of Hamilton, be deferred until after Closed Session.

Result: Motion CARRIED by a vote of 7 to 0, as follows:

YES - Ward 1 Councillor Maureen Wilson
YES - CHAIR - Ward 2 Councillor Cameron Kroetsch
ABSENT - Ward 4 Councillor Tammy Hwang
YES - Ward 9 Councillor Brad Clark
YES - Ward 10 Councillor Jeff Beattie
YES - Ward 11 Councillor Mark Tadeson
YES - Ward 13 Councillor Alex Wilson
YES - Ward 14 Councillor Mike Spadafora

For disposition of this matter, refer to Item 6.

(ii) Grants Sub-Committee Report 23-002 (May 16, 2023) (Item 10.5)

1. (M. Wilson/A. Wilson)

That sub-section (h) of Item 1 of the Grants Sub-Committee Report 23-002, respecting 2023 City Enrichment Funding Recommendations, be **amended**, as follows:

- (h) That staff be directed to report back on appeals process **and recommendations with an overview of all submitted applicant appeals, in the form of an information report**, upon concluding the appeals process to the Grants Sub-Committee by mid-June 2023.

Result: Amendment CARRIED by a vote of 6 to 1, as follows:

YES - Ward 1 Councillor Maureen Wilson
YES - CHAIR - Ward 2 Councillor Cameron Kroetsch
ABSENT - Ward 4 Councillor Tammy Hwang
NO - Ward 9 Councillor Brad Clark
YES - Ward 10 Councillor Jeff Beattie
YES - Ward 11 Councillor Mark Tadeson
YES - Ward 13 Councillor Alex Wilson
YES - Ward 14 Councillor Mike Spadafora

2. (Beattie/Spadafora)

That sub-section (g) of Item 1 of the Grants Sub-Committee Report 23-002, respecting 2023 City Enrichment Funding Recommendations, be **amended**, as follows:

- (g) That any ~~successful Category A 2023 City Enrichment Fund~~ applicant organization adversely impacted and hindering operational capacity due to recommended funding request amount, report to City of Hamilton, ~~City Enrichment Fund~~ grants staff by June 2nd, 2023 indicating implications hindering successfully carrying out programming according to appeal requirements; and,

Result: Amendment DEFEATED by a vote of 3 to 4, as follows:

NO - Ward 1 Councillor Maureen Wilson
NO - CHAIR - Ward 2 Councillor Cameron Kroetsch
ABSENT - Ward 4 Councillor Tammy Hwang
NO - Ward 9 Councillor Brad Clark
YES - Ward 10 Councillor Jeff Beattie
YES - Ward 11 Councillor Mark Tadeson
NO - Ward 13 Councillor Alex Wilson
YES - Ward 14 Councillor Mike Spadafora

Councillor Kroetsch relinquished the Chair to Councillor M. Wilson to introduce the following amendment.

3. (Kroetsch/Tadeson)

That Item 1 of the Grants Sub-Committee Report 23-002, respecting 2023 City Enrichment Funding Recommendations, be **amended**, by adding a new sub-section (i), as follows:

- (i) ***that staff in collaboration with community groups in receipt of city enrichment funds report back to AF&A in advance of the next application cycle a procedure whereby any funds owing to the City as it relates to previous year commitments may be clawed back from future commitments.***

Result: Amendment CARRIED by a vote of 7 to 0, as follows:

YES - Ward 1 Councillor Maureen Wilson
YES - CHAIR - Ward 2 Councillor Cameron Kroetsch
ABSENT - Ward 4 Councillor Tammy Hwang
YES - Ward 9 Councillor Brad Clark
YES - Ward 10 Councillor Jeff Beattie
YES - Ward 11 Councillor Mark Tadeson
YES - Ward 13 Councillor Alex Wilson
YES - Ward 14 Councillor Mike Spadafora

Councillor Kroetsch assumed the Chair.

(g) GENERAL INFORMATION / OTHER BUSINESS (Item 13)

(i) Amendments to the Outstanding Business List (Item 13.1)

(Spadafora/Tadeson)

That consideration of Item 13.1, respecting Amendments to the Outstanding Business List, be deferred until after consideration of Item 10.4.

Result: Motion CARRIED by a vote of 7 to 0, as follows:

YES - Ward 1 Councillor Maureen Wilson
YES - CHAIR - Ward 2 Councillor Cameron Kroetsch
ABSENT - Ward 4 Councillor Tammy Hwang
YES - Ward 9 Councillor Brad Clark
YES - Ward 10 Councillor Jeff Beattie
YES - Ward 11 Councillor Mark Tadeson
YES - Ward 13 Councillor Alex Wilson
YES - Ward 14 Councillor Mike Spadafora

For further disposition of this matter, refer to Item (i).

(h) PRIVATE AND CONFIDENTIAL (Item 14)

(Tadeson/Clark)

That the Audit, Finance and Administration Committee move into Closed Session respecting Items 14.1 and 14.2, pursuant to Section 9.3, Sub-sections (a) and (i) of the City's Procedural By-law 21-021, as amended, and Section 239(2), Sub-sections (a) and (i) of the *Ontario Municipal Act, 2001*, as amended, as the subject

matter pertains to the security of the property of the City or a local board; and a trade secret or scientific, technical, commercial, financial or labour relations information, supplied in confidence to the municipality or local board, which, if disclosed, could reasonably be expected to prejudice significantly the competitive position or interfere significantly with the contractual or other negotiations of a person, group of persons, or organization.

Result: Motion CARRIED by a vote of 7 to 0, as follows:

YES - Ward 1 Councillor Maureen Wilson
YES - CHAIR - Ward 2 Councillor Cameron Kroetsch
ABSENT - Ward 4 Councillor Tammy Hwang
YES - Ward 9 Councillor Brad Clark
YES - Ward 10 Councillor Jeff Beattie
YES - Ward 11 Councillor Mark Tadeson
YES - Ward 13 Councillor Alex Wilson
YES - Ward 14 Councillor Mike Spadafora

(i) Confidential Appendix "A" to Continued Standardization Contract for Systems Furniture for the City of Hamilton (FCS22071(a)/PW22065(a)) (City Wide) - Outstanding Business Item

For disposition of this matter, refer to Item 6.

(ii) Auditor General Reporting of Serious Matters to Council (Case #65357) (AUD23007) (City Wide) (Item 14.2)

For disposition of this matter, refer to Item 8.

(i) GENERAL INFORMATION / OTHER BUSINESS (Item 13) - CONTINUED

(i) Amendments to the Outstanding Business List (Item 13.1)

(Tadeson/Beattie)

That the following amendments to the Outstanding Business List, be approved:

1. Items Considered Complete and to be Removed
 - (a) Continued Standardization and Request to Negotiate a Contract for Systems Furniture for the City of Hamilton (PW22065 / FCS22071) (City Wide)
Item on OBL: 22-J
Addressed as Item 10.4 on today's agenda

Result: Motion CARRIED by a vote of 6 to 0, as follows:

YES - Ward 1 Councillor Maureen Wilson
YES - CHAIR - Ward 2 Councillor Cameron Kroetsch

ABSENT - Ward 4 Councillor Tammy Hwang
YES - Ward 9 Councillor Brad Clark
YES - Ward 10 Councillor Jeff Beattie
YES - Ward 11 Councillor Mark Tadeson
YES - Ward 13 Councillor Alex Wilson
ABSENT - Ward 14 Councillor Mike Spadafora

(j) ADJOURNMENT (Item 15)

(Tadeson/Beattie)

That, there being no further business, the Audit, Finance and Administration Committee, be adjourned at 1:00 p.m.

Result: Motion CARRIED by a vote of 6 to 0, as follows:

YES - Ward 1 Councillor Maureen Wilson
YES - CHAIR - Ward 2 Councillor Cameron Kroetsch
ABSENT - Ward 4 Councillor Tammy Hwang
YES - Ward 9 Councillor Brad Clark
YES - Ward 10 Councillor Jeff Beattie
YES - Ward 11 Councillor Mark Tadeson
YES - Ward 13 Councillor Alex Wilson
ABSENT - Ward 14 Councillor Mike Spadafora

Respectfully submitted,

Councillor Cameron Kroetsch, Chair
Audit, Finance and Administration
Committee

Tamara Bates
Legislative Coordinator
Office of the City Clerk



Hamilton

NOTES

Women and Gender Equity Committee

Thursday, May 4, 2023

6:00 P.M.

Electronic meeting can be viewed at:

City's YouTube Channel:

<https://www.youtube.com/user/InsideCityofHamilton>

Present: Pascale Marchand, Melanie Cummings, Gagan Batra, Jan Lukas, Kathleen Shannon

Also Present: Nicole Bedford, Owner Nicole Bedford Films; Jocelyn Strutt, Staff Liaison


Pursuant to Section 5.4(4) of the City of Hamilton's Procedural By-law 21-021, as amended at 6:15 P.M. the Staff Liaison to the Committee advised those in attendance that quorum had not been achieved within 15 minutes after the time set for the Women and Gender Equity Advisory Committee, therefore, the Staff Liaison to the Committee noted the names of those in attendance and the meeting stood adjourned.

Respectfully submitted,

Jocelyn Strutt
Senior Project Manager, Public
Engagement
City Manager's Office



INFORMATION REPORT

TO:	Chair and Members Audit, Finance and Administration Committee
COMMITTEE DATE:	June 1, 2023
SUBJECT/REPORT NO:	Utility Billing Transition Program Update (FCS21082(e)) (City Wide)
WARD(S) AFFECTED:	City Wide
PREPARED BY:	John Savoia (905) 546-2424 Ext. 7298
SUBMITTED BY:	Brian McMullen Director, Financial Planning, Administration and Policy Corporate Services Department
SIGNATURE:	

COUNCIL DIRECTION

Not Applicable

INFORMATION

On August 6, 2021, the City was advised that Alectra's Board of Directors, at its meeting of May 21, 2021, approved an Alectra staff recommendation to discontinue utility billing services by the time of the current contract expiry, being December 31, 2024 (for details refer to Report FCS21082). It should be noted that Alectra similarly provided notice of termination to the municipalities of Guelph, Markham and Vaughan.

Collectively, the four municipalities engaged Kaihen Inc. (Kaihen) as a consultant resource to support each municipality's transition to a new utility billing solution. Kaihen conducted assessments of each municipality's current systems and processes during an initial Discovery Phase (Phase 1) of the Water Billing Transition Program (Program) and completed an analysis of utility billing service delivery models both on a collective group and individual municipality basis (refer to Report FCS21082(a) for details).

Each municipality is moving forward with a Hybrid Billing Model which would entail each municipality acquiring a billing software solution referred to as a Customer Information System (CIS). Once the CIS is selected, staff will proceed to procure Contact Centre, Customer Portal, Bill Print and Meter Reading services and establish an in-house Back Office (billing and collections) unit (refer to Report FCS21082(b) for details).

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**SUBJECT: Utility Billing Transition Program Update (FCS21082(e)) (City Wide) –
Page 2 of 7**

Phase 2 of the Program is the Procurement and Evaluation Phase, which commenced in November 2022 involves a series of procurements:

CIS: The municipalities are using a combined procurement process to acquire a CIS whereby each municipality can select its own vendor solution. The CIS Request for Proposals (RFP) was released on March 31, 2023 with procurement expected to be completed by October 2023.

Contact Centre: A Request for Proposals (RFP) will be issued that will permit an in-house bid to be submitted and considered with external proposals. In accordance with Procurement Policy #22, Council approval has been obtained prior to the preparation and submission of the in-house bid (refer to Report FCS21082(c) for details). The Contact Centre procurement development commenced in April 2023 with procurement to be completed by November 2023.

Customer Portal: The Customer Portal procurement commenced in April 2023 and is expected to be completed by December 2023. A customer portal is a personalized website offering customers a single point of access to relevant customer billing information and self-service options. Hamilton and Vaughan are leveraging a combined procurement process to acquire a customer portal whereby each municipality can select its own vendor solution.

Bill Print: The Bill Print procurement is expected to commence in July 2023 with procurement to be completed by December 2023.

Meter Reading: Council approval has been obtained to single source with Olameter Inc. (incumbent meter reading vendor) to continue to provide manual water meter reading services for a period of two years with a one-year term extension at the City's sole option, commencing when the City assumes utility billing responsibilities from Alectra (refer to Report FCS21082(d)). Contract negotiations are expected to commence in July 2023.

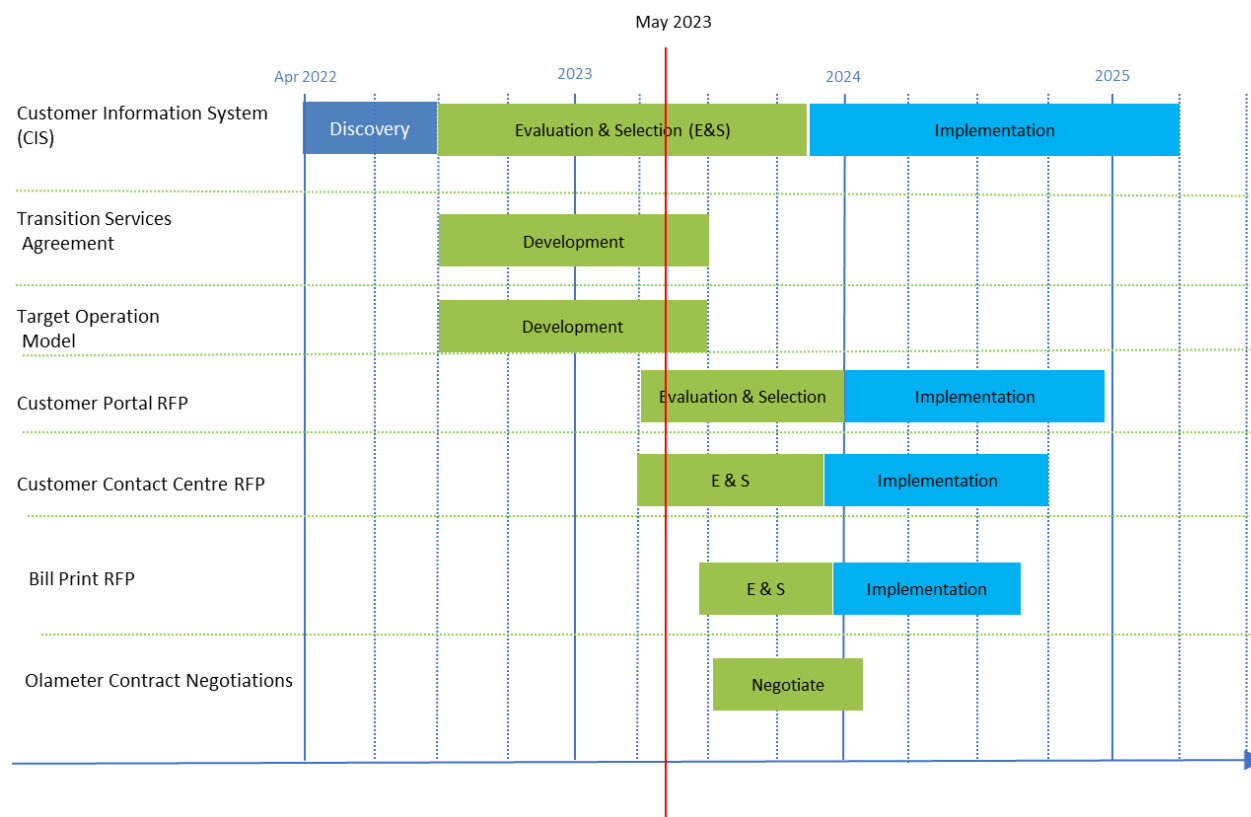
Utility Billing Transition Program Timeline

As previously noted, Alectra had advised that it would discontinue utility billing services by December 31, 2024. At the commencement of Phase 2, it was planned that the CIS RFP would be issued in early January 2023 with the procurement completed by June 30, 2023. Assuming an aggressive 14 to 16-month implementation phase, the City's new utility billing solution was planned for a November 2024 "go-live" launch. However, the CIS RFP development experienced a number of delays that resulted in the RFP release not occurring until the end of March 2023. In particular, the CIS combined procurement process contributed to a protracted RFP development timeline.

SUBJECT: Utility Billing Transition Program Update (FCS21082(e)) (City Wide) – Page 3 of 7

Table 1 to Report FCS21082(e) reflects that the revised completion timing of the billing transition program is Q2 2025. Alectra has confirmed that it will continue providing utility billing services into 2025 when the City is able to assume billing responsibility. Discussions with Alectra regarding an extension agreement are to be scheduled to determine the terms and conditions for Alectra to continue providing billing services for the City,

Table 1 - Utility Billing Transition Program Timeline



Transition Services Agreement

Collectively, the four municipalities have engaged Kaihen to support the municipalities to negotiate individual Transition Services Agreements (TSA) with Alectra. The TSA will address many matters including but not limited to:

- Overall project management support, issue escalation
- Technical support – legacy billing systems, other
- Data extraction and conversion support – definition, format, type, history, etc.
- Access to historical data
- Account number traceability
- Paperless bill customer transition
- Municipal portal access
- Reports, letters and bills – lists, specs

**SUBJECT: Utility Billing Transition Program Update (FCS21082(e)) (City Wide) –
Page 4 of 7**

- Support of Parallel Testing
- Payment processing
- Cutover – planning, dress rehearsals, participation, reconciliation, go-live readiness, roll back plans
- Customer communications
- Post exit support
- Additional support cost models

Target Operating Model (Utility Billing Program Organization Structure)

A Target Operating Model (TOM) is the plan of how the City will be configured at a point in the future to deliver the new utility billing function. The TOM will translate the new utility billing strategy into operational capabilities. It will also be the foundation for execution and guidance for the leadership and operational teams.

Kaihen has been engaged to support the City to develop the internal utility billing back office. As there is no existing utility billing organization in place, new functions and resources will be required including the need to hire staff and to adopt new technologies and processes.

Staff will be providing a report in Q3 2023 regarding a resource plan for the implementation and ongoing operation of the Utility Billing Program.

Utility Billing Transition Program Risk Management

In January 2023, Council directed staff to conduct a fulsome risk assessment for the Utility Billing Transition Program, as recommended by the City's Auditor General (AG) (refer to Report AUD23002), to ensure:

- Program objectives are understood
- Significant risks are identified
- Plans are implemented to manage the risks
- Action is taken to prevent or manage any adverse impacts to the City's operations throughout the Program's duration and after the full solution is implemented

Kaihen recommended the following approach for risk management going forward with the utility billing transition program:

1. Institute a cross-functional monthly Steering Committee to oversee program progress, key decisions, risks and escalations
2. Continue to manage in-phase program risk through Kaihen's RAID (Risk-Action-Issues-Decision) log
3. Institute a holistic Risk Management Model, adopting a risk management model provided by the City's AG

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**SUBJECT: Utility Billing Transition Program Update (FCS21082(e)) (City Wide) –
Page 5 of 7**

A cross-functional Steering Committee (SC) has been established with membership consisting of:

- General Manager, Finance and Corporate Services (program sponsor)
- Director, Financial Planning, Administration and Policy
- Manager, Budgets and Fiscal Policy
- Director, Information Technology Services
- Director, Hamilton Water

The SC is to meet monthly with formal terms of reference and a program governance model having been presented and endorsed at the SC's initial meeting in April 2023.

Table 2 to Report FCS21082(e) graphically represents the risk management model that has been adopted that identifies:

- Risks noted by the City's AG, plus others identified by the program team
- Risk type, threat, likelihood, impact, level and priority
- Mitigation action plans

Table 2 - Risk Management Model



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**SUBJECT: Utility Billing Transition Program Update (FCS21082(e)) (City Wide) –
Page 6 of 7**

Program risks that have been identified are:

1. Governance / Project Management Risk
 - Risk related to project leadership, oversight, charter, Steering Committee
2. Financial Risk
 - Project delay beyond 2024 could result in significant cost overruns
3. Contract Management Risk
 - Inability to hold Alectra accountable to protect the Cities' customer information
4. IT Risk
 - Cyber security threat due to the use of Cloud-based software applications
5. Staffing Risk
 - If key staff resources should leave the project, key knowledge could be lost
6. Organizational Risk
 - Program depends on consulting resources, knowledge transfer or lack thereof, could be significant
7. Cultural Risk
 - Program represents a significant organizational change to the City
8. Job Market Risk
 - Tight job market in which to hire new resources with right skill sets
9. Solution Risk
 - Water Billing solution component compatibility, capability and fit
10. Customer Experience Risk
 - Transition to new Water Billing solution will affect the customer experience
11. Timeline Risk
 - Risk to meet Alectra's transition deadline of December 2024

Risk Mitigation

Mitigation action plans have been identified and will be reviewed on an ongoing with the SC. Table 3 to Report FCS21082(e) outlines the mitigation plans for the three risks that have been identified with the highest likelihood and impact.

**SUBJECT: Utility Billing Transition Program Update (FCS21082(e)) (City Wide) –
Page 7 of 7**

Table 3 - Risk Mitigation Action Plans

Risk ID	Risk	Action Plans
2	Financial Risk	<ul style="list-style-type: none"> • Discussions underway with Alectra regarding Transition Services Agreement timelines • Phase 3 project and staffing plans are being drafted to assess financial impacts
8	Job Market Risk	<ul style="list-style-type: none"> • Target Operating Model developed • Hiring plans initiated, however competition will be strong between four municipalities & Alectra
11	Timeline Risk	<ul style="list-style-type: none"> • Negotiate extension with Alectra • Plan for project contingency • Closely monitor CIS RFP timeline responses


APPENDICES AND SCHEDULES ATTACHED

Not Applicable

JS/dt



INFORMATION REPORT

TO:	Chair and Members Audit, Finance and Administration Committee
COMMITTEE DATE:	June 1, 2023
SUBJECT/REPORT NO:	Parkland Dedication Reserve Report as of December 31, 2022 (FCS23041) (City Wide)
WARD(S) AFFECTED:	City Wide
PREPARED BY:	Ailish Brooke (905) 546-2424 Ext. 6875
SUBMITTED BY:	Mike Zegarac General Manager, Finance and Corporate Services Corporate Services Department
SIGNATURE:	

COUNCIL DIRECTION

Not Applicable

INFORMATION

As per the requirements of the *Planning Act, 1990*, as amended, an annual report of the Parkland Dedication Reserve activity must be provided to Council. The Parkland Dedication Reserve Status Report is the “Special account, report” as outlined in the *Planning Act, 1990*, as amended. The Parkland Dedication Reserve receives revenues assessed under Sections 42, 51.1 and 53 of the *Planning Act, 1990*. These funds are to be “spent only for the acquisition of land to be used for park or other public recreational purposes, including the erection, improvement or repair of buildings and the acquisition of machinery for park or other public recreational purposes.”

Report FCS23041 summarizes the changes in the Parkland Dedication Reserve for the year ended December 31, 2022.

The overall 2022 Parkland Dedication Reserve balance has increased by \$18.14 M since 2021 to a balance of \$88.24 M. This increase in the balance is due to collections exceeding direct capital expenditures. The stated balance excludes a potential liability for over-dedication of land by developers. The over-dedication is currently estimated at \$16.62 M dependent on future buildout density and the ability to develop the subject lands. After

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considering the potential liability, the available funds in the Parkland Dedication Reserve at December 31, 2022 are \$71.61 M. Tables 1 and 2 provide summaries for 2022. On November 28, 2022, the Province passed the *More Homes Built Faster Act, 2022* (Bill 23) which will reduce the future collections and land dedications under Sections 42, 51.1 and 53 of the *Planning Act, 1990*. For further detail please refer to Report FCS22085(a) “Development Charges Financial Impacts related to the *More Homes Built Faster Act, 2022* (Bill 23) and Development Charges Exemption Strategy”.

The unaudited year-end Parkland Dedication Reserve balance is \$88.24 M, as outlined in Table 1.

**Table 1
Parkland Dedication Reserve
For the year ended December 31, 2022**

Beginning Balance	\$70,101,712.55
Revenues:	
Interest Income	1,783,021.46
Dedication Fee	21,336,462.00
Confidential Proceeds from Land Sale	17,000.00
Confidential Land Purchase Recovery	38,437.56
Property Purchases Repayment (Notes 1,2)	<u>98,464.65</u>
Total Revenues	\$23,273,385.67
Land Expenditures:	
Confidential Land Purchase	4,236,417.00
Cherry Beach Park	<u>900,000.00</u>
Total Expenditures	\$5,136,417.00
Ending Balance	<u>\$88,238,681.23</u>

Note to Table 1:

- (1) The outstanding principal for Council authorized borrowings from this reserve as at December 31, 2022 is \$443,368.75.
- (2) This repayment includes \$20,408.64 interest. Cumulative interest for funds borrowed from this account is \$1,497,319.30.

Table 2 shows that the stated year-end balance excludes a potential liability for over-dedication of land by developers for 27 subdivisions. The over-dedication is currently estimated at \$16.62 M dependent on future buildout density and the ability to develop the subject lands. After considering the potential liability and the committed expenditures, the available funds in the Parkland Dedication Reserve at December 31, 2022 is \$71.61 M.

**Table 2
Parkland Dedication Reserve – Available Balance
As at December 31, 2022**

Stated Balance:	\$88,238,681.23
Over-Dedication	
Potential liability resulting from over-dedication (11,653,165.00) of land (23 fully registered subdivisions)	
Potential liability resulting from over-dedication of land (4 registered and ongoing subdivisions) * (4,973,558.34)	
Available Balance:	<u>\$71,611,957.89</u>

Note: * These agreements have been partly registered. The parkland dedication amount for the entire subdivision is not finalized until all phases have been registered. At this time, the City will pay any remaining over dedication.

As per the requirements of Section 7(3)(iv) of Regulation 509/20 of the *Planning Act, 1990* municipalities are required to show which projects have been funded from the Parkland Dedication Reserve, as well as, the manner in which any capital costs not funded from the special account have or will be funded. Table 3 shows the life-to-date funding for each project which received funding from the Parkland Dedication Reserve in 2022.

**Table 3
Life-to-Date and Future Funding Transferred to Capital Projects Utilizing
Parkland Dedication Reserve Funds
As at December 31, 2022**

Cherry Beach Park		
	Life-to-Date Funding	Future Funding
Parkland Dedication Reserve	\$3,066,000	Not Applicable
Proceeds from Land Sale	\$163,625	Not Applicable
Contribution from Other Reserves	\$134,538	Not Applicable
Contribution from Current	\$861,577	Not Applicable
Total	\$4,225,740	

Confidential Land Purchase		
	Life-to-Date Funding	Future Funding
Parkland Dedication Reserve	\$4,236,417	Not Applicable
Contribution from Other Reserves	\$1,917,704	Not Applicable
Total	\$6,154,121	

The *Planning Act, 1990* was updated through the *Coronavirus (COVID-19) Support and Protection Act, 2020* which received Royal Assent on April 14, 2020. The resulting changes to the *Planning Act, 1990* came into effect for the year ended December 31, 2020. Status Report FCS23041, reflects the changes to the requirements of the *Planning Act, 1990*. Notably, municipalities are required to show which projects have been funded from the Parkland Dedication Reserve, as well as, the manner in which any capital costs not funded from the special account was or will be funded. There is also the requirement that Council makes this statement available to the public. The Parkland Dedication Reserve Status Report FCS23041 will be made available to the public through either the Committee agenda or on request.

The “Special account, report” for the Parkland Dedication Reserve should include the following information for the preceding year, as per the requirements of the *Planning Act, 1990*, Regulation 509/20 section 7 (1).

For the purposes of subsections 37 (48) and 42 (17) of the Act, the following information shall be provided to the public, in accordance with subsection (4) of this section, each year in respect of the preceding year:

1. Statements of the opening and closing balances of the special account and of the transactions relating to the account.
2. (Removed as it does not relate to the Parkland Dedication Reserve)
3. In respect of the special account referred to in subsection 42 (15) of the Act, statements identifying,
 - i. land or machinery acquired during the year with funds from the special account,
 - ii. buildings erected, improved or repaired during the year with funds from the special account,
 - iii. details of the amounts spent, and
 - iv. for each asset mentioned in subparagraphs i and ii, the manner in which any capital cost not funded from the special account was or will be funded;
4. The amount of money borrowed from the special account and the purpose for which it was borrowed;
5. The amount of interest accrued on any money borrowed from the special account.


The *Planning Act, 1990* was also updated through the *More Homes Built Faster Act, 2022* which received Royal Assent on November 28, 2022. The resulting changes to the *Planning Act, 1990* require that beginning in 2023 and each calendar year thereafter, municipalities are required to spend or allocate at least 60 percent of the funds in the account at the beginning of the year. The 60 percent allocation requirement will be addressed through the year and / or through the 2024 Tax Capital Budget process which is anticipated to be adopted prior to the end of 2023.

APPENDICES AND SCHEDULES ATTACHED

None



INFORMATION REPORT

TO:	Chair and Members Audit, Finance and Administration Committee
COMMITTEE DATE:	June 1, 2023
SUBJECT/REPORT NO:	Amendment to Code of Conduct Policy (HUR23009) (City Wide)
WARD(S) AFFECTED:	City Wide
PREPARED BY:	Katherin Platt (905) 546-2424 Ext. 3212
SUBMITTED BY:	Lora Fontana Executive Director Human Resources
SIGNATURE:	

COUNCIL DIRECTION

Not Applicable

INFORMATION

In response to the Confidential Fraud and Waste Investigation #31220 by the Office of the Auditor General, Human Resources committed to reviewing the Code of Conduct for Employees Policy (HR-01-09) and the related Schedules which include:

- Schedule A: Conflict of Interest
- Schedule B: Fees, Gifts and Hospitality
- Schedule C: Financial and Business Integrity
- Schedule D: Outside Employment and Activities
- Schedule E: Anti-Nepotism
- Schedule F: Interacting with the Office of the Auditor General
- Schedule G: Sharing of Consultant Reports with Identified Imminent Risks to Human Health or Safety

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**SUBJECT: Amendment to Code of Conduct Policy
(HUR23009) (City Wide)****- Page 2 of 3**

The Code of Conduct and related Schedules have been simplified and language has been updated so that employees can better understand the City's expectations and their responsibilities. Changes to the Code of Conduct and related Schedules are outlined in Appendix "A" to Report HUR23009 and generally include:

- Removal of repetitive text to condense the length of the Policy and Schedules
- Updating the policy content to reflect new titles, (Office of the Auditor General rather than Office of the City Auditor), and to provide additional reference materials (i.e. the Social Media Policy, the Protection of Privacy Policy, and the Computer & Technology Acceptable Use Policy).
- Providing new, expanded, or updated definitions specific to more common issues and questions respecting the Code of Conduct policy (real and perceived conflicts of interest, pecuniary and non-pecuniary interests, gifts and hospitality, confidential information, fraud, and intellectual property)
- Clarification respecting employees selling goods and services to the City or bid on City contracts
- Added 'significant social relationships' to the conflict of interest provisions of the Policy in order to acknowledge that these relationships may pose a potential conflict, beyond family members,
- Clarification on circumstances for accepting fees, gifts, or hospitality, along with the associated dollar values and provide clarification as to when a Gifts & Hospitality Disclosure Form must be completed,
- Reinforcement that matters investigated by the Office of the Auditor General are confidential and employees are responsible for maintaining confidentiality during investigations to protect the objectivity and integrity of the process.

In addition to the amendments to the Code of Conduct and related Schedules, Human Resources has implemented a number of initiatives to reinforce adherence to the Policies, including the following:

- In January 2023, Human Resources began tracking and monitoring Code of Conduct disclosures of real or perceived breaches of the Policy and/or Schedules. The tracking tool will help to identify trends or issues, which will inform focused communication and education initiatives to help employees understand their responsibilities related to the Code of Conduct.
- In collaboration with the Communication Division, Human Resources will develop an informative Communication Strategy for employees regarding the changes to the Code of Conduct Policy and related Schedules, and to highlight common questions regarding the Policy and Schedules. Content will be shared on a regular basis via email and Howi and will be informed by trends or issues identified via the tracking

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tool or issues that consistently arise through the CodeofConduct@hamilton.ca generic email box.

- Human Resources has also launched an online education module for all staff through the City's Learning Management System, My Learning Connection. The online training is required to be completed by all employees, with a completion deadline of December, 2023. The content includes a review of the Code of Conduct and related Schedules, as well as several scenarios where employees respond to questions to gauge their understanding of the content. Human Resources has also provided support to Training Coordinators/Administrators within the Divisions to deliver in-person Code of Conduct training to those employees who may not have access to the online training.
- Human Resources continues to offer an Ethical Leadership Program to help leaders learn how to demonstrate ethical behaviour and to create an open and transparent workplace where compliance with the City's Code of Conduct is encouraged. Additionally, a partnership between Human Resources and Procurement has been established to deliver focussed Ethical Practice Workshops in work areas where employees are more likely to encounter potential conflicts of interest by virtue of their professional responsibilities with the City.

APPENDICES AND SCHEDULES ATTACHED

Appendix "A" to Report HUR23009: Side-by-side comparisons of the current and new text of the Code of Conduct for Employees Policy and Schedules A-G

Code of Conduct for Employees Policy Amendments

Section	Current Text	Proposed Text	Rationale
Policy Statement	<p>The residents and businesses of the City of Hamilton are entitled to fair, ethical and accountable local government administration. Accordingly, the City of Hamilton has high expectations of its employees for integrity and ethical conduct in their service to the community.</p> <p>The City recognizes that employees strive to perform their duties in a manner that maintains and enhances public confidence and trust in the integrity, objectivity and impartiality of the City, understanding that trust and mutual respect are the cornerstones of any relationship between the public and its municipal government.</p> <p>City employees owe a duty of loyalty and commitment to the City as a condition of accepting employment with the City of Hamilton. In serving the public interest they are entrusted with access to a wide range of information, resources and responsibilities. The City expects its employees to operate with a sense of honesty and accountability in accordance with the values and goals established in the Mission, Vision and Values of the City.</p>	<p>The City of Hamilton (“the City”) is committed to providing high quality, cost conscious public services that promote a healthy, safe, and prosperous community in a sustainable manner. It is important for the public to have confidence that local government is providing these services in a fair, impartial, and transparent manner. All employees share a responsibility to maintain high ethical standards to ensure public trust in accordance with the values and goals established by the Mission, Vision and Values of the City.</p>	<p>Clear and succinct so employees can read it relatively quickly and understand their responsibilities.</p> <p>The proposed text summarizes the original ideas and links to the City’s Mission.</p>
Purpose	<p>The City of Hamilton’s work is diverse, multi-faceted and complex. Consequently, City employees must be independent, impartial and responsible to the public in carrying out their duties. By signing the Code of Conduct for Employees, employees acknowledge and accept responsibility to act and behave in a manner that is consistent with the expectations prescribed in this Policy. Employees collectively benefit from an overall atmosphere of high ethical conduct that flows from this commitment.</p> <p>While it is not possible to cover every possible conflict of interest situation that might arise, this Policy and the related Schedules outline the City’s expectations regarding real and apparent conflicts of interest between an employee’s personal interests and the best interests of the City of Hamilton. If employees have questions or are unclear whether they have a conflict of interest, they are encouraged to discuss the situation with their supervisors or managers.</p>	<p>The purpose of the Code of Conduct Policy (“the Policy”) and the related Schedules A through G (“the Schedules”) is to set out the terms and conditions to guide responsible, accountable, and transparent employee conduct inside and outside the workplace. This will help to instill public confidence in local government and promote a respectful work environment.</p> <p>The Policy introduces the Code of Conduct Disclosure Form (link) that employees and/or their Supervisors will complete when they self-identify a real or perceived breach of the Policy and/or Schedules.</p> <p>The Policy also explains the options for employees to share information about a real or perceived breach by someone other than themselves that has not been appropriately reported or addressed.</p>	<p>The current text does not describe the purpose of the Policy.</p> <p>The proposed text is more explicit about what the Policy is designed to achieve.</p>

Section	Current Text	Proposed Text	Rationale
Definitions	N/A	<p>Breach - A breach of the Policy and/or the Schedules can be real or perceived. Both must be reported by the employee on the Code of Conduct Disclosure Form (link).</p> <p>Real Breach - An employee has committed a real breach when a violation of the Policy and/or the Schedules e has already occurred. A breach may be intentional or accidental, but it still must be reported by the employee to ensure accountability and transparency.</p> <p>Perceived Breach - A perceived breach is an appearance or perception that a violation of the Policy and/or Schedules has happened or could happen. No real breach may have actually occurred, but the negative perception that a violation could occur can undermine the public's trust in the City and therefore, must be reported by the employee on the Code of Conduct Disclosure Form (link).</p> <p>Code of Conduct Disclosure Form - The Code of Conduct Disclosure Form (link) ("Disclosure Form") is the form the employee completes to self-identify a real or perceived breach of the Policy and/or Schedules. In the case of a perceived breach, the employee is required to outline a plan to avoid the appearance that a violation could possibly occur. Instructions for completion of the Disclosure Form (link) are included with the form.</p> <p>Code of Conduct Form - The Code of Conduct Form is a form that all employees must sign as a condition of their employment. It states that employees have read and agree to abide by the conditions outlined in the Policy and the Schedules. Employees must review and sign this form each year.</p>	The Definitions section does not exist in the current Policy.
Scope	This Code of Conduct and all related Schedules apply to all City employees, including but not limited to regular, temporary and contract employees, volunteers, students and interns (collectively called "Employees").	This Policy and all related Schedules apply to all City employees, including but not limited to permanent, temporary and contract employees, volunteers, students and interns (collectively called "Employees").	Changed "regular" to "permanent".
Principles	Employees of the City of Hamilton are guided by the following principles:	N/A	Principles removed from proposed new policy. The

Section	Current Text	Proposed Text	Rationale
	<ol style="list-style-type: none"> 1. We are a government that the community has confidence and trust in. We are conscious of our City’s public duty and the part that each of us plays in carrying out this duty. 2. We have high ethical standards and are accountable for our actions. 3. We are respectful of each other and towards members of the community we serve. We treat all with dignity and without discrimination. 4. We live our corporate values and demonstrate our shared principles through our work practices, our decisions, and our interactions. 5. We act with Integrity avoiding actual or perceived conflicts of interest. 6. We promote and foster a safe, secure and healthy work environment for all. 7. We abide by the law and adhere to all City of Hamilton policies and procedures. 8. We are conscious of our role as public servants and ambassadors of the City of Hamilton and do not engage in any conduct or business practice which might bring the reputation of the City into ill-repute or damage or diminish the reputation of the City in the eyes of members of the community. <p>The Code of Conduct for Employees is one element of the City of Hamilton’s broader ethical program that underlies, supports, and is reflective of the City of Hamilton’s corporate culture.</p>		<p>principles are repetitive, and not action-oriented. They are captured under the terms and conditions as actions.</p>
<p>Terms & Conditions</p>	<p>All employees are responsible and accountable for using good judgment in the exercise of their duties and must carry out those duties in accordance with the principles within this policy and its related schedules.</p> <p>Each Employee shares the obligation of ensuring compliance with the Code. They are required to address any situations of existing or potential non-compliance with the Code that they suspect or become aware of.</p> <p>Employees are required to report all conflicts of interest that may come to their attention to the City Manager, their General Manager or equivalent (hereafter “General Manager”), director, manager, or supervisor.</p>	<p>All employees are responsible and accountable for carrying out their professional duties and responsibilities in accordance with this Policy and all related Schedules.</p> <p>By accepting employment with the City of Hamilton, all employees agree to:</p> <ul style="list-style-type: none"> • Maintain high ethical standards and to operate with honesty, fairness, and accountability in accordance with the City’s Mission, Vision, and Values, • Abide by the law and to follow the City’s policies, procedures, and bylaws, 	<p>The current text lacks clear direction/action re employee expectations.</p> <p>The proposed text takes the principles above and makes them more action-oriented.</p>

Section	Current Text	Proposed Text	Rationale
	<p>Some City of Hamilton Employees belong to Professional Associations that are guided by their own Code of Conduct and Ethics that may have greater or lesser standards than are outlined within this policy. These external Codes do not replace the obligations that Employees have under the City’s Code of Conduct and Employees should act to the highest standard.</p>	<ul style="list-style-type: none"> • Exercise good judgement and make decisions that are in the City’s best interest • Treat each other and the public with respect and dignity without discrimination • Decline to engage in inappropriate and unprofessional conduct in the workplace that would reflect negatively upon the reputation of the City. <p>The following is a summary of employee behaviours that form the basis of the Schedules. Additional information regarding these expectations is provided in the corresponding Schedule.</p> <ul style="list-style-type: none"> • Employees will avoid situations where their personal interests conflict, or may be perceived to conflict, with their professional duties and responsibilities (Schedule A) (link). • Employees will not attempt to use their employment to directly or indirectly benefit themselves, their family members, or their significant social relationships (Schedule A) (link). • Employees will complete a Code of Conduct Disclosure Form (link) if a real or perceived breach of the Policy and/or Schedules occurs (Schedule A) (link). • Employees will utilize the pathways available to report a suspected breaches of the Code of Conduct and/or Schedules, e.g., consult with General Manager, contact Human Resources, contact the Fraud and Waste Hotline, or complete the Whistleblower Report Form (Schedule A) (link). • Employees will not accept fees, gifts, or hospitality from outside individuals or organizations that: <ul style="list-style-type: none"> (1) are applying for, or are in receipt of, services from the City (2) do business with, or want to do business with, the City (Schedule B) (link). • Employees will not engage in fraudulent, illegal, or dishonest activities in the handling of City resources or finances (Schedule C) (link). • Employees will ensure confidential information is used for the purpose it was collected and is not disclosed without authorization (Schedule C) (link). 	<p>The proposed text spells out the expected behaviours and links them to the Schedules, tying the Code of Conduct policy and Schedules together. The goal is for employees to understand in general terms what’s expected from them just from reading the code, and then they can go to the Schedules for more details.</p> <p>Addition of “significant social relationships” requested by Audit.</p> <p>Addition re employees not selling goods or services of bidding on City contracts.</p>

Section	Current Text	Proposed Text	Rationale
		<ul style="list-style-type: none"> • Employees will not accept outside employment that interferes or conflicts with their professional duties and responsibilities, or that uses City premises, equipment, supplies, or other resources (Schedule D) (link). • Employees will not sell goods and services to the City or bid on City contracts (Schedule D). • Employees will not participate in personal activities that are not in the best interest of the City, including harming the City’s reputation and/or undermining the public’s trust in local government (Schedule D) (link). • Employees will ensure fair and transparent hiring practices and reporting relationships by the City and will not hire or supervise family members or significant social relationships (Schedule E) (link). • Employees will cooperate with Office of the Auditor General during an investigation by sharing all relevant information and documentation (Schedule F) (link). • Employees will share consultant reports with identified imminent risks to human health or safety with City Council (Schedule G) (link). 	
Responsibilities			
All Employees	<ul style="list-style-type: none"> • Subscribe with signature as part of employment offer prior to, or on first day of employment, or following orientation with supervisor, that he or she has read and agrees to abide by the Code of Conduct for Employees • Annually review and sign off on this Policy • Adhere to the standards outlined in this Policy • Seek clarification if unsure about any information included in this Policy • Consult with their immediate manager for guidance if they suspect a potential breach of this Policy 	<ul style="list-style-type: none"> • As a condition of employment, read the Code of Conduct and the Schedules and sign the Code of Conduct form (link). • Review and sign the Code of Conduct Form on an annual basis. • Adhere to the Terms & Conditions outlined in the Policy and the Schedules • Direct questions about the Policy and/or the Schedules to their Manager/Director or to Human Resources via phone or email at codeofconduct@hamilton.ca. • Complete the Disclosure Form (link) if a breach or perceived breach of the Policy and/or Schedules occurs, including a plan to avoid the breach when necessary. • Consult with the Manager/Director about any suspected breaches of the Policy and/or Schedules by someone other than themselves. Alternatively, employees can: 	<p>Employee responsibilities moved up to the top.</p> <p>Instructions on where to direct questions of clarification</p> <p>Direction to complete the Disclosure Form</p>

Section	Current Text	Proposed Text	Rationale
		<ul style="list-style-type: none"> ○ contact Human Resources by phone or via email at codeofconduct@hamilton.ca ○ make a confidential or anonymous complaint through the City’s Fraud and Waste Hotline (link) ○ complete the Whistleblower Report Form (link). The City’s Whistleblower Bylaw (link) protects employees against reprisal. 	<p>Provide information about other pathways to report a suspected breach.</p>
City Manager	<ul style="list-style-type: none"> ● Provide overall administration of the Policy to ensure implementation and compliance ● Provide guidance in interpreting the Policy ● Oversee annual review of this Policy to ensure it continues to reflect changing needs and responsibilities of the City’s employees and administration 	Delete	<p>Responsibilities moved to Human Resources.</p>
Human Resources	<ul style="list-style-type: none"> ● Educate new employees and distribute copy of Policy during corporate orientation ● Assist managers with interpretation and application of the Policy ● Ensure reference to Policy in all employment agreements. Request a signature of new employees, verifying that they have seen, read and understand their responsibility under the Policy. Signed letter shall be filed with employee’s personnel file in Human Resources. ● Investigate violations of this Policy, subject to the application of the Whistleblower By-law, with the assistance of Audit Services and/or Hamilton Police Services if required 	<ul style="list-style-type: none"> ● Provides oversight regarding the administration of the Policy and related Schedules to ensure implementation and compliance. ● Provide guidance in interpreting the Policy. ● Oversee annual review of this Policy to ensure it continues to reflect changing needs and responsibilities of the City’s employees and administration. ● Responsible for final sign-off on outcomes, including mitigation plans, and discipline measures resulting from a real or perceived breach of the Policy and/or Schedules. ● Educates new employees and distributes copy of Policy and Schedules during corporate orientation. ● Monitors the new employee and annual employee sign off of the Code of Conduct Form through the Learning Management System (LMS) (link). ● Provides guidance in interpreting and applying the Policy and Schedules. ● Provides support to Supervisors and Managers to determine and assess the risk related to real and perceived breaches of the Policy and Schedules. ● Tracks the submission of all Disclosure Forms (link) and approves plans to avoid breaches of the Policy and/or Schedules. 	<p>City Manager’s responsibilities added to HR.</p> <p>Addition re HR’s involvement in determining outcomes and potential discipline to ensure consistent application of the Policy and Schedules across the organization. Disagreements will be resolved by the City Solicitor.</p> <p>Other highlighted amendments reflect new employee sign-off process</p>

Section	Current Text	Proposed Text	Rationale
	<ul style="list-style-type: none"> • Provide support and consultation to Supervisors and Managers in determining and assessing risk related to the Code of Conduct • Review the Policy on an annual basis and update as necessary 	<ul style="list-style-type: none"> • Investigates violations of this Policy, subject to the application of the Whistleblower By-law, with the assistance of Audit Services and/or Hamilton Police Services if required. • Reviews the Policy and all Schedules on an annual basis to reflect the changing roles and needs of the City’s employees. 	<p>through the LMS and HR’s new role in tracking disclosure forms.</p>
City Solicitor		<ul style="list-style-type: none"> • Resolve disagreements between Human Resources and Department General Managers or Executive Directors regarding the determination of outcomes, including mitigation plans, and disciplinary measures resulting from a real or perceived breach of the Policy and/or Schedules. 	<p>Addition of City Solicitor’s role in resolving disputes should they occur.</p>
General Managers Senior Leadership	<ul style="list-style-type: none"> • Administer the Policy and ensure compliance • Provide guidance in interpreting the Policy • Deal fairly and firmly with any confirmed violations of the Policy 	<ul style="list-style-type: none"> • Stress the importance of the Policy and all Schedules and encourage employee compliance. • Provide guidance to employees in interpreting the Policy and Schedules • Deal fairly and firmly with any confirmed violations of the Policy and Schedules. • Consult with Human Resources to determine outcomes, including mitigation plans, and potential discipline resulting from a real or perceived breach of the Policy or Schedules. 	<p>Change to Senior Leadership</p> <p>Addition re HR’s involvement in determining outcomes and potential discipline to ensure consistent application of the Policy and Schedules across the organization. HR will have final sign-off regarding outcomes and discipline</p>
Directors, Managers, Supervisors, and Elected Officials with supervisory responsibilities	<ul style="list-style-type: none"> • Ensure that all employees have received a copy of the Policy and are provided with any updates • Ensure that employees review and sign off on the Code of Conduct annually • Incorporate Ethics and Code of Conduct discussions into staff meetings • Highlight any areas that have particular relevance, given the nature of the employee’s work 	<ul style="list-style-type: none"> • Ensure employees have received a copy of the Policy and related Schedules and are provided with any updates. • Ensure employees review and sign the Code of Conduct Form annually. • Incorporate discussions about the Policy and all Schedules into staff meetings, highlighting areas of relevance to the employees’ work. • In consultation with Human Resources, identify positions that may be at risk for Policy and/or Schedule breaches. 	<p>Clarified that policy only pertains to elected officials with supervisory responsibilities – Council members have their own Code of Conduct</p>

Section	Current Text	Proposed Text	Rationale
	<ul style="list-style-type: none"> Identify, in consultation with Human Resources, any positions that may pose a risk based on the terms and conditions of the Code of Conduct and its related Schedules Consult with General Manager, Human Resources or City Manager if interpretation of the Policy is required Report any violations of the Policy to the General Manager 	<ul style="list-style-type: none"> Consult with the General Manager or Human Resources if interpretation of the Policy is required. Report any violations of the Policy to the General Manager and Human Resources. 	<p>Additional report to Human Resources.</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.</p> <p>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 Policy may result in appropriate disciplinary measures, up to and including dismissal.</p>	<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.</p> <p>Real or perceived breaches of this Schedule should be reported to the Manager/Director without delay, followed by completion of the Code of Conduct Disclosure Form (link).</p> <p>Failure to comply with this Policy and related Schedules may result in appropriate disciplinary measures, up to and including termination of employment.</p> <p>Where there is a serious wrongdoing, as defined in the Whistleblower By-law (link), that By-law applies.</p>	<p>Clarify employee responsibility to report a breach and complete the Disclosure Form.</p> <p>Simpler language.</p>
Attached Schedules	<p>A) Conflict of Interest B) Fees, Gifts and Hospitality C) Financial and Business Integrity D) Outside Employment and Activity E) Anti-Nepotism F) Interacting with the Office of the City Auditor G) Sharing of Consultant Reports with Identified Imminent Risks to Human Health or Safety</p>	No change	No change, but will add links to all the Schedules
Related	<p>The following policies and acts are related to the Code of Conduct, and employees must be aware of and abide by these policies:</p> <ul style="list-style-type: none"> Computer and Technology Acceptable Use Policy 	<p>The following policies and acts are related to the Code of Conduct, and employees must be aware of and abide by these policies:</p> <ul style="list-style-type: none"> Computer and Technology Acceptable Use Policy 	

Section	Current Text	Proposed Text	Rationale
	<ul style="list-style-type: none"> • Equity and Inclusion Policy • Fraud Policy & Protocol • Harassment & Discrimination Prevention Policy • Municipal Freedom of Information Act • Personal Health Information Protection Act • Personal Harassment Prevention Policy • Procurement Policy By-law • Substance Abuse Prevention Policy • Violence in the Workplace Prevention Policy • Whistleblower By-Law 	<ul style="list-style-type: none"> • Equity and Inclusion Policy • Fraud Policy & Protocol • Harassment & Discrimination Prevention Policy • Municipal Freedom of Information Act • Personal Health Information Protection Act • Personal Harassment Prevention Policy • Procurement Policy By-law • Social Media Policy • Substance Abuse Prevention Policy • Violence in the Workplace Prevention Policy • Whistleblower By-Law 	Addition of Social Media Policy.
Contact		<p>Questions or code of conduct correspondence can be sent to codeofconduct@hamilton.ca</p>	New Contact section with HR code of conduct email so employees know where to direct their questions or send documents, such as disclosure forms, email inquiries, etc.

Schedule A: Conflict of Interest Amendments

Section	Current Text	Proposed Text	Rationale
<p>Purpose</p>	<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>	<p>No change</p> <p>The purpose of this Schedule is to help employees identify and disclose real and perceived conflicts of interest that may occur in the course of their professional duties and responsibilities.</p>	<p>Add ‘disclose’ in reference to the Disclosure Form. Added ‘real and perceived’ conflicts in keeping with new definitions.</p>
<p>Definitions</p> <p><i>Real and Perceived (added) Conflicts of Interest</i></p>	<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>Apparent Conflict: 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>Real Conflict: A real conflict of interest exists where a personal interest exists and that interest:</p>	<p>A conflict of interest can be real or perceived:</p> <ul style="list-style-type: none"> • A real conflict of interest arises when an employee has a personal interest that may compromise their ability to perform their professional duties and responsibilities in an impartial manner, potentially affecting the outcome of a decision or action. • A perceived conflict of interest arises when a reasonable person viewing the matter could conclude that a conflict of interest may exist, even if there is no indication of employee bias. The perception that an employee could become involved in a conflict of interest is sufficient to erode public trust and therefore must be avoided. 	<p>Simpler, more concise definitions that are easier to understand. Use clearer, more commonly-used terminology (perceived rather than apparent).</p>

Section	Current Text	Proposed Text	Rationale
<p>Direct and Indirect Conflicts of Interest (title added)</p>	<p>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.</p> <p>Direct Interests: 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>Indirect Interests: 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>A conflict of interest can be direct or indirect:</p> <ul style="list-style-type: none"> • A direct conflict of interest means that the anticipated outcome could benefit the employee themselves. • An indirect conflict of interest means the anticipated outcome could benefit the employee’s family, significant social relationships, or businesses and/or organizations to which the employee, their family, or significant social relationships belong. 	<p>Uses clearer, more concise language.</p>
<p>Pecuniary and Non-Pecuniary Interests (title added)</p>	<p>N/A</p>	<p>A conflict of interest can involve both pecuniary and non-pecuniary interests:</p> <ul style="list-style-type: none"> • Pecuniary interests relate to matters involving the possibility of financial gain or loss to the employee, their family members, their significant social relationships, or to any the businesses and/or organizations to which they belong. • Non-pecuniary interests relate to matters involving the possibility of a gain or loss that is not monetary in nature to the employee, their family members, their significant relationships, or to the businesses and/or organizations to which they belong. This may include, but is not limited to, a social benefit, political advantage, professional advancement, preferential treatment, access to benefits not available to the public, etc. 	<p>Audit has asked that a definition for pecuniary and non-pecuniary be added.</p>
<p>Business Interest</p>	<p>Financial Relationship: A financial relationship is one in which: a) the employee or his or her agent,</p>	<p>No change.</p>	

Section	Current Text	Proposed Text	Rationale
<p>Family Member</p>	<ul 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. <p>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.</p> <p>Personal Interest: 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> <ul style="list-style-type: none"> (a) that is of general application to residents, businesses, or employees of the City; or (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>means:</p> <ul 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 	<p>Delete</p> <p>No change except to add cousin in (b).</p>	<p>Audit agree this definition is confusing and not necessary.</p>

Section	Current Text	Proposed Text	Rationale
<p>Significant Social Relationship</p>	<p>(c) mother-in-law, father-in-law, sister-in-law and brother-in-law (d) step-mother, step-father, step-sister, step-brother and step-child, and (e) child, mother or father in a relationship where the role of parent has been assumed.</p> <p>Significant Social Relationship: A significant social relationship includes personal relationships, such as family and emotional relationships, and memberships in volunteer and professional organizations.</p>	<p>An emotional association, personal relationship or strong friendship that is not defined by blood or legal bonds, for example, close neighbour, longstanding business associate.</p>	<p>This definition is used in Schedule E, Anti-nepotism. It is preferred by Audit. Organizations are now addressed above, and volunteer and professional are too narrow.</p>
<p>Terms and Conditions</p> <p>Personal Interests</p>	<p>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.</p> <p>Examples of advancing a personal interest include but are not limited to:</p> <ol style="list-style-type: none"> 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 	<p>Employees will do their best to avoid a conflict of interest. When a conflict of interest is unavoidable, employees must report the conflict to their Manager/Director and submit a Code of Conduct Disclosure Form in a timely manner. Failure to do so may result in disciplinary measures if a conflict of interest is later discovered.</p> <p>Examples of conflicts of interest include, but are not limited to:</p> <ul style="list-style-type: none"> • influencing the award of city contracts • soliciting or accepting payments or other financial gain for services rendered 	<p>It is not always possible to avoid a conflict of interest, but it must be disclosed asap.</p> <p>More concise, plain language.</p>

Section	Current Text	Proposed Text	Rationale
<p>Public Duty</p>	<p>the employee has received or reasonably anticipates receiving some profit, payment, or compensation.</p> <p>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:</p> <p>(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</p> <p>(b) the person or corporation is seeking any decision, act, advice, comment, endorsement or anything whatsoever from the City, its employees or City Council;</p> <p>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 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>	<ul style="list-style-type: none"> • preferential treatment of vendors • giving preferential treatment to family members or social contacts seeking City services • the use of confidential or insider information not available to the general public • influencing the approval of licenses or permits • influencing the employment of family members or social contacts • public criticism of the City or City employees. <p>No change.</p>	

Section	Current Text	Proposed Text	Rationale
<p>Reporting a Conflict of Interest</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>	<p>As public criticism can also undermine the City’s reputation, employees are expected to refrain from public criticism of the City, other City employees, programs, finances, etc. 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>	<p>Addition of programs and finances as per Clerks request.</p>
	<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>	<p>Delete</p>	<p>Repetitive – addressed above and in Schedule C, Financial and Business Integrity.</p>
	<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>Delete</p>	<p>Repetitive – addressed above and in Schedule E, Anti-Nepotism.</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>	<p>Delete</p>	
	<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 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</p>	<p>All conflicts of interest must be reported to the employee’s Manager/Director and reported on the Code of Conduct Disclosure Form (link) which is then submitted to Human Resources at codeofconduct@hamilton.ca. The form must be completed regardless of whether the conflict is detrimental to the City to ensure transparency and accountability. Failure to submit a Disclosure Form</p>	<p>This degree of process detail is not needed in a policy. It would be better in the Disclosure Form instructions. As well, the process is being updated</p>

Section	Current Text	Proposed Text	Rationale
	<p>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>	<p>may result in disciplinary measures if a conflict of interest is discovered.</p> <p>Delete</p> <p>Delete</p>	<p>to have decision making re discipline etc. done in HR in consultation with the City Solicitor to ensure consistency.</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>	<p>Employees are expected to be aware of and act in compliance with the Code of Conduct Policy and all related Schedules.</p> <p>Real or perceived breaches of this Schedule should be reported to the Manager/Director and Human Resources without delay, followed by completion of the Code of Conduct Disclosure Form (link).</p> <p>Where there is serious wrongdoing as defined in the Whistleblower By-law (link) that By-law applies.</p>	<p>Simpler language.</p> <p>Reminder of employee responsibility to report a breach and complete the Disclosure Form.</p>

Section	Current Text	Proposed Text	Rationale
		Failure to comply with this Policy and related Schedules may result in appropriate disciplinary measures, up to and including termination of employment.	
Contact		Questions or code of conduct correspondence can be sent to codeofconduct@hamilton.ca	New Contact section with HR code of conduct email so employees know where to direct their questions or send documents, such as disclosure forms, email inquiries, etc.

Schedule B: Fees, Gifts & Hospitality Amendments

Section	Current Text	Proposed Text	Rationale
Purpose	There may be occasions where City of Hamilton Employees are presented with gifts, hospitality, or are paid a fee by an outside agency for services related to their position. This schedule clarifies the expectations that the City has of employees when faced with these situations.	The City requires employees to perform their professional duties and responsibilities with fairness, impartiality, and transparency. The purpose of this Schedule is to outline the City's expectations for employees who are offered fees and both pecuniary and non-pecuniary gifts, and/or hospitality from outside individuals or organizations in relation to their position with the City.	Stronger language, emphasis on fairness, impartiality, and transparency. Addition of pecuniary and non-pecuniary as per Audit's request.
Definitions			
Fees	An amount of money that is paid for work conducted	No change.	
Gifts	Any business related gift, gift certificate, gift card, discount, favour, or assistance given to an employee(s) from an outside organization or individual.	A benefit of any kind, not only pecuniary in nature, including but not limited to gifts, gift certificates, gift cards, discounts, favours, tickets, passes (zero-value or otherwise), or assistance and/or opportunities given to an employee(s) or a member of their family from an outside organization or individual.	More specific definition that includes 'pecuniary' and 'opportunities' as per Audit's request, to clarify that benefits are not only monetary. Addition examples for clarity.
Hospitality	Any business related hospitality event (e.g. a dinner, golf game, theatre tickets, sporting tickets, etc) given to an employee(s) from an outside organization or individual.	Any hospitality event or activity, including but not limited to meals, tickets to sporting events, theatre tickets, tickets to other forms of entertainment, passes (zero-value or otherwise) golf game fees, etc. given to an employee, their family member, or significant social relationship from an outside organization or individual.	Addition of family member and social relationships as per Audit's request.
Pecuniary Interest	N/A	Relates to matters involving a real or potential financial gain or loss to the employee, their family members, their significant social relationships, or to the businesses and/or organizations to which they belong.	Definitions for pecuniary and non-pecuniary added as per Audit's request.
	N/A		

Section	Current Text	Proposed Text	Rationale
<p>Non-Pecuniary Interest</p> <p>Disclosure of Gifts and Hospitality Form (link)</p>	<p>N/A</p>	<p>Relates to matters involving a real or potential gain or loss that is not monetary in nature to the employee, their family members, their significant social relationships, or to the businesses and/or organizations to which they belong. This may include, but is not limited to, a social benefit, political advantage, professional advancement, preferential treatment, access to benefits not available to the public, etc.</p> <p>The form employees complete to identify a benefit (fee, gift, or hospitality) they received from an outside individual or organization in the course of their professional duties and responsibilities. A form must be completed for fees, gifts and hospitality valued over \$25 to ensure transparency and accountability. Instructions for completion of the Disclosure Form are included with the form.</p>	<p>To highlight the need for employees to complete this form to ensure transparency.</p>
<p>Terms and Conditions</p> <p><i>Pecuniary and Non-Pecuniary (added) Gifts and Hospitality</i></p>	<p>An employee may not solicit or accept any gift, benefit, money, discount, favours, gift certificate, gift card or other assistance from any person or business which has or desires to have a contract with the City to supply goods or services, unless the gift, benefit, money, discount, favours, gift certificate, gift card or assistance is available to all members of the public or is available on a discounted basis to all City employees e.g. discounted cell phone package or automobile insurance.</p>	<p>Employees may not solicit or accept any pecuniary or non-pecuniary gifts or hospitality that could influence, or be perceived to influence, the performance of their professional duties and responsibilities from outside individuals or organizations that:</p> <p>(1) are applying for, or are in receipt of, services from the City, (2) do business with, or want to do business with, the City, unless the benefit is available to all members of the public or are available on a discounted basis to all City employees, e.g., discounted cell phone package, automobile insurance.</p>	<p>Addition of pecuniary/non-pecuniary as per Audit's request. Addition of language re not accepting gifts or hospitality from persons or organization applying for, or who are in receipt of City services, as this would also be a conflict. Removal of examples as they are contained in the definitions above.</p>
<p>Exceptions:</p>			

Section	Current Text	Proposed Text	Rationale
<p><i>Gifts or Hospitality Valued at \$25 or Under (title added)</i></p>	<p>An employee may accept a nominal gift or hospitality with a value of \$25, or under (for example, lunch, dinner, coffee, a business portfolio, a plant) provided that:</p> <ul style="list-style-type: none"> • it is in the context of a business meeting or interaction, or in the context of a recognized charitable event; and • it is an infrequent occurrence; and • it legitimately serves a business purpose; and • it is appropriate to the business responsibilities of the individual employee; and • the gift or hospitality is not an attempt to seek special favours or advantages from the employee or the City. 	<p>An employee may accept a nominal gift or hospitality with a value of \$25, or under (for example, lunch, dinner, coffee, a business portfolio, a plant, promotional materials from a conference, trade show, etc.) provided that:</p> <ul style="list-style-type: none"> • it is in in the context of a business meeting or interaction, or in the context of a recognized charitable event; and • it is an infrequent occurrence; and • it legitimately serves a business purpose; and • it is part of the employee’s professional duties and job responsibilities; and • the gift or hospitality is not an attempt to seek special favours or advantages from the employee or the City. <p>Employees are not required to disclose receipt of such gifts or hospitality provided they meet the criteria above, unless the total value exceeds \$200 in a calendar year. If the value exceeds \$200, employees must inform their Manager/Director, complete a Disclosure of Gifts and Hospitality Form (link) and submit it to Human Resources via the Code of Conduct email (codeofconduct@hamilton.ca).</p>	<p>Addition of promotional materials at request of Policy Review Group.</p> <p>Audit has asked that there be some parameters around ‘infrequent occurrence’. Council Code of Conduct value is \$200.</p> <p>Replace ‘business responsibilities’ with ‘employee’s professional duties and job responsibilities’ as that is more specific.</p> <p>New language clarifies that disclosure is not required unless calendar total exceeds \$200.</p>
<p><i>Gifts or Hospitality Valued at Over \$25 and under \$100 (title added)</i></p>	<p>Receipt of gifts, hospitality, and invitations to special events with a value ranging from \$25 to \$100 inclusive shall be documented and disclosed to the General Manager.</p>	<p>An employee may accept a gift or hospitality valued at over \$25 and under \$100 provided that:</p> <ul style="list-style-type: none"> • it is in in the context of a business meeting or interaction, or in the context of a recognized charitable event; and • it is an infrequent occurrence; and • it legitimately serves a business purpose; and • it is part of the employee’s professional duties and job responsibilities; and 	<p>Repeat of criteria – to clarify when appropriate.</p>

Section	Current Text	Proposed Text	Rationale
	<p>General Managers shall likewise document and disclose to the City Manager receipt of gifts, hospitality and invitations to special events with a value ranging from \$25 to \$100 inclusive.</p>	<ul style="list-style-type: none"> the gift or hospitality is not an attempt to seek special favours or advantages from the employee or the City. <p>To ensure transparency, following the receipt of gifts and hospitality valued at over \$25 and under \$100, employees must report the occurrence to their Manager/Director and complete a Disclosure of Gifts and Hospitality Form (link) and submit it to Human Resources via the Code of Conduct email (codeofconduct @hamilton.ca).</p> <p>Delete</p>	<p>Clarification that disclosure to Manager/Director and completion of Disclosure Form is required to ensure transparency.</p> <p>Covered via disclosure described above.</p>
<p><i>Gifts or Hospitality Valued at \$100 or more (title added)</i></p>	<p>No employees shall accept any gifts, hospitality, and invitations to special events which exceed \$100 in value.</p> <p>In limited circumstances it may be acceptable for an employee to accept a gift or hospitality that is valued at over \$100. These exclusions must be approved by the General Manager who will</p>	<p>In almost all cases, employees are not permitted to accept a gift or hospitality valued at \$100 or more.</p> <p>In exceptional circumstances it may be acceptable for an employee to accept a gift or hospitality that is valued at \$100 or more, provided that it is:</p> <ul style="list-style-type: none"> it is in in the context of a business meeting or interaction, or in the context of a recognized charitable event; and it is an exceptional occurrence; and it legitimately serves a business purpose; and it is part of the employee’s professional duties and job responsibilities; and the gift or hospitality is not an attempt to seek special favours or advantages from the employee or the City. <p>The employee must seek approval from the General Manager to keep the gift or hospitality and complete the Disclosure of Gifts and Hospitality Form (link). The Form must be submitted to Human</p>	<p>Addition of criteria for clarification. Replace ‘infrequent’ with ‘exceptional’.</p> <p>Clarifies the requirement to complete the Disclosure Form to ensure transparency.</p>

Section	Current Text	Proposed Text	Rationale
	<p>complete a form that authorizes the employee to keep the gift or attend the event.</p>	<p>Resources via the Code of Conduct email (codeofconduct@hamilton.ca).</p> <p>Seminar or conference admissions where the employee is a presenter, keynote speaking, etc. are permitted. The admission must still be reported on the Disclosure of Gifts and Hospitality Form (link) and submitted to Human Resources (codeofconduct@hamilton.ca).</p>	<p>Addition recommended by Audit.</p>
<p><i>Participation in Hospitality Events as Part of Employee Professional Duties and Job Responsibilities (title added)</i></p>	<p>Some management and professional staff are required, as a part of their business responsibilities for the City, to participate in hospitality events that may be more frequent or that may involve a higher monetary value than the guideline above. Such participation is not a breach of this Policy, so long as the hospitality event serves a legitimate business purpose.</p>	<p>Some management and professional staff are required, as a part of their business responsibilities for the City, to participate in hospitality events that may be more frequent or that may involve a higher monetary value than the guideline above.</p> <p>An employee may accept a gift or hospitality provided that:</p> <ul style="list-style-type: none"> • it is in in the context of a business meeting or interaction whereby the doner is present, or in the context of a recognized charitable event; and • it legitimately serves a business purpose; and • it is part of the employee’s professional duties and job responsibilities; and • the gift or hospitality is not an attempt to seek special favours or advantages from the employee or the City. <p>Employees are not required to disclose receipt of such gifts or hospitality provided they meet the criteria above, unless the total value exceeds \$200 in a calendar year. If the value exceeds \$200, employees must inform their Manager/Director, complete a Disclosure of Gifts and Hospitality Form (link) and submit it to Human Resources via the Code of Conduct email (codeofconduct@hamilton.ca).</p>	<p>Delete last sentence re ‘legitimate business purpose’ as ‘legitimate’ is difficult to define (too vague).</p> <p>Instead, add criteria to better define parameters (requested by Audit). Include condition that the doner must be present as the purpose of these meetings/ interactions is to build relationships.</p> <p>Still need to report calendar value over \$200.</p>

Section	Current Text	Proposed Text	Rationale
Gifts Given to the City (title added)	Gifts received by an employee on behalf of the City where the gift is intended by the giver to become the property of the City and/or the gift commemorates or records a significant event, place, or individual (such as, without being limited to, a commemorative plaque) are excluded from this Schedule.	No change.	
Fees	<p>No employee shall charge or knowingly accept a fee for taking part in a public speaking engagement such as a public radio/television broadcast, web site broadcast or conference to which he or she was invited as a direct result of his or her position as an employee.</p> <p>Any fee that is received for a speaking engagement during normal working hours, or at any time where the employee is representing the City, shall be turned over to the City, unless the value of the fee does not exceed expenses (incurred for such speaking engagement) which are not reimbursed by the City.</p>	<p>Employees will not accept a fee for activities, information, services, etc. that relate directly to their professional duties and job responsibilities or that relate indirectly by virtue of their employment with the City. This includes, but is not limited to, fees for:</p> <ul style="list-style-type: none"> • Public speaking engagements, such as a public radio/television broadcast, web site broadcast or conference to which he or she was invited as a direct result of his or her position as an employee, • Publications where the employee writes or publishes articles or books in any print or online publications, including journals and newsletters, if such article or book directly relates to the employee’s position as a City employee or uses insider information about the City. • Witness fees for taking part in a court, tribunal, or other adjudicative process to which he or she was requested to attend as a direct result of his or her position as an employee. <p>Accepting fees to cover expenses not reimbursed by the City for an activity, such as a speaking engagement, publication, witness statement, during normal working hours or at any time where the employee is representing the City, is permitted, e.g., parking, accommodation, meals. The employee must report these fees to their Manager/Director and complete a Disclosure of Gifts and</p>	<p>Clarifies that fees are not to be accepted. Also, addition of “indirectly” as per Audit’s request.</p> <p>In the current policy, fees for public speaking, publications, and witness fees are separated into three different sections, even though the text for each is identical. The proposed text consolidates the text to eliminate repetition.</p> <p>Clarifying that fees are permitted only to cover expenses not covered by the City, and disclosure is required prior to the activity taking place to ensure transparency.</p>

Section	Current Text	Proposed Text	Rationale
		<p>Hospitality Form (link) to be submitted to Human Resources via the Code of Conduct email (codeofconduct@hamilton.ca) prior to the activity.</p>	
	<p>Accepting a nominal gift for a speaking engagement such as a pen or other souvenir, with a value of \$25, or under, is not a violation of this Policy.</p> <p>Accepting free admission from the seminar or conference organizers for the balance of the seminar or conference is not a violation of this Policy.</p> <p>Employees may charge or accept a fee for speaking engagements during time off work (e.g. vacation time) providing such employees are not representing or purporting to represent the City.</p> <p>Requests for exceptions related to Fees for public engagements, publications and witness fees will be dealt with on a case-by-case and must be approved by a General Manager in consultation with Human Resources.</p>	<p>Accepting a nominal gift with a value of \$25 or under, such as a pen, mug, or other souvenir, is not a violation of this Schedule and does not have to be disclosed.</p> <p>Accepting free admission from the seminar or conference organizers for the balance of a seminar or conference where the activity is taking place is not a violation of this Policy. However, the employee must report this to their Manager/Director and complete a Disclosure of Gifts and Hospitality Form (link) to be submitted to Human Resources via the Code of Conduct email (codeofconduct@hamilton.ca).</p> <p>Employees may charge or accept a fee for activities such as speaking engagements, publications, etc. during their time off work (e.g., vacation time) providing such employees are not representing or purporting to represent the City. Employees must notify their Manager/Director regarding participation in these events and ensure no conflict exists as outlined in Schedule D – Outside Employment and Activities (link).</p> <p>Requests for exceptions related to Fees for public engagements, publications and witness fees will be dealt with on a case-by-case and must be approved by a General Manager in consultation with Human Resources. Completion of a Disclosure of Gifts and Hospitality Form (link) is required and is to be submitted to Human Resources via the Code of Conduct email (codeofconduct@hamilton.ca).</p>	<p>Clarifies that disclosure is not required.</p> <p>Clarifies that accepting free admission is permitted but must be disclosed to ensure transparency.</p> <p>Additional language re notifying Manager/Director to ensure transparency and consistency with other parts of the Code.</p> <p>Requirement to disclose added to ensure transparency.</p>

Section	Current Text	Proposed Text	Rationale
Related Documents	Disclosure of Gifts and Hospitality Form	No change	
Compliance	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>Employees are expected to be aware of and act in compliance with the Code of Conduct Policy and all related Schedules.</p> <p>Real or perceived breaches of this Schedule should be reported to the Manager/Director without delay, followed by completion of the Code of Conduct Disclosure Form (link).</p> <p>Where there is serious wrongdoing as defined in the Whistleblower By-law (link) that By-law applies.</p> <p>Failure to comply with this Policy and related Schedules may result in appropriate disciplinary measures, up to and including termination of employment.</p>	<p>Simpler language.</p> <p>Reminder of employee responsibility to report a breach and complete the Disclosure Form.</p>
Contact		<p>Questions or code of conduct correspondence can be sent to codeofconduct@hamilton.ca</p>	<p>New Contact section with HR code of conduct email so employees know where to direct their questions or send documents, such as disclosure forms, email inquiries, etc.</p>

Schedule C: Financial and Business Integrity Amendments

Section	Current Text	Proposed Text	Rationale
<p>Purpose</p>	<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>	<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.</p> <p>This Schedule outlines the City’s expectations related to financial and business integrity, including the security of confidential information</p>	<p>More concise language. Delete last sentence (repetitive).</p>
<p>Definitions</p> <p>Confidential Information</p>	<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>	<p>Delete first paragraph and substitute as follows:</p> <p>Confidential Information includes the following:</p> <ul style="list-style-type: none"> • Personal information (PI) - recorded information about an individual that either alone or if linked with other information can be used to identify an individual (s.2(1) MFIPPA). Examples of PI include race, sex, age, financial transactions, address, phone # and name if it appears with other personal information relating to the individual or where the disclosure of the name would reveal other personal information about the individual. • Personal health information (PHI) - identifying information about an individual in oral or recorded form that relates to an individual’s physical or mental health and can include one’s health history, provision of care, the identity of a health care provider, a plan of service, a health card number, the identity of a substitute decision maker etc. (s. 4 of PHIPA). • Information is considered to be “identifying” if the information that can be used, either alone or in combination with other information, to identify an individual. • Sensitive organizational information - confidential or internal (non-public) information collected for City business purposes., including but not limited to: <ul style="list-style-type: none"> ○ operations information — any information relating to the City’s ongoing or strategic initiatives (e.g., organizational restructuring, 	<p>Requested by Records & FOI</p>

Section	Current Text	Proposed Text	Rationale
<p>Fraud</p>	<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 services not performed; • 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>mergers, outsourcing of business units, land/property/vendor purchases, leases, or sales)</p> <ul style="list-style-type: none"> ○ financial information — any information revealing a person's salary or any unpublished financial information (e.g., suppliers, credit card #s, payroll) ○ human resources information — any performance-related information, compensation, benefits, WSIB, or occupational health information ○ legal information — Information that is subject to solicitor-client privilege, or that is prepared by legal counsel for use in giving legal advice or in contemplation of or for use in litigation ○ concerns matters considered in in-camera meetings under section 239 of the Municipal Act, 2001. Moved to terms and conditions <p>Fraud is any misuse, or attempt to misuse, a City asset for personal gain or for unauthorized purposes that are unrelated to City business, including but not limited to:</p> <ul style="list-style-type: none"> • No change to the list 	<p>Clearer description of what ‘fraud’ pertains to.</p>

Section	Current Text	Proposed Text	Rationale
<p>Intellectual Property</p> <p>Post-Employment Period</p>	<p>Ownership over creations of the mind. These creations are intangible; they represent such things as original ideas and concepts.</p> <p>A period commencing immediately following the end of the employment relationship with the City of Hamilton.</p>	<p>Ownership over intangible works or products, including original ideas and concepts, inventions, designs, etc. created for the City.</p> <p>A period commencing immediately following the end of the employment relationship with the City of Hamilton, the length to be determined in the individual employment contract.</p>	<p>Clearer language.</p> <p>The length of a post-employment period varies with the position type, level, etc.</p>
<p>Terms and Conditions</p> <p>Financial Integrity</p>	<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> <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 any personal use at any time.</p>	<p>No Change.</p> <p>No Change.</p> <p>No Change.</p> <p>No Change.</p>	

Section	Current Text	Proposed Text	Rationale
Purchase or Lease of Real Property	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	No employee of the City shall directly or indirectly (e.g., through a spouse/partner) purchase or lease real property from or to the City, nor shall an employee have any direct or indirect (e.g., through a spouse/partner) 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.	Example added to clarify what an indirect conflict might look like in relation to lease or purchase of City property. Requested by Audit.
Use of City Property	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	No Change.	
Confidential Information	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:	No Change. Employees must not: <ul style="list-style-type: none"> • Collect, use, modify, copy, disclose, transfer or destroy Confidential Information except to the extent required for the purpose of and in the course of employment related duties and in accordance with application legislation (e.g., MFIPPA, PHIPA). • Collect, use, modify, copy, disclose, transfer or destroy Confidential Information for personal use or the use of someone else or an organization other than the City. Please refer to the Definitions section for examples of confidential information. Delete	Additional language requested by Records & FOI. No need to repeat here, just refer back to definitions.

Section	Current Text	Proposed Text	Rationale
	<p>1. except in accordance with the <i>Municipal Freedom of Information and Protection of Privacy Act</i>:</p> <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. <p>2. except in accordance with the <i>Personal Health Information 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 a 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>	<p>Delete</p> <p>No Change.</p>	

Section	Current Text	Proposed Text	Rationale
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.	No Change.	
Intellectual Property	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.	No Change.	
Software Piracy	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, data bases, and trademarks, belonging to the City, without express authority from the City. 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).	No Change.	
Return of City Property	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	No Change.	

Section	Current Text	Proposed Text	Rationale
<p>Post-Employment Restrictions</p>	<p>employee is an author or co-author, for which the employee shall retain all intellectual property rights.</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>	<p>No Change.</p> <p>No Change.</p>	
<p>Related Documents</p>	<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> 	<ul style="list-style-type: none"> • <i>Fraud Policy & Protocol</i> • <i>Protection of Privacy Policy</i> • <i>Computer & Technology Acceptable Use Policy</i> • <i>Municipal Freedom of Information and Protection of Privacy Act</i> • <i>Personal Health Information Protection Act</i> 	<p>Addition of 2 related documents</p>
<p>Compliance</p>	<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>Employees are expected to be aware of and act in compliance with the Code of Conduct Policy and all related Schedules.</p> <p>Real or perceived breaches of this Schedule should be reported to the Manager/Director without delay, followed by completion of the Code of Conduct Disclosure Form (link).</p> <p>Where there is serious wrongdoing as defined in the Whistleblower By-law (link) that By-law applies.</p>	<p>More concise language.</p> <p>Reminder of employee responsibility to report a breach and complete the Disclosure Form.</p>

Section	Current Text	Proposed Text	Rationale
	<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>	<p>Failure to comply with this Policy and related Schedules may result in appropriate disciplinary measures, up to and including termination of employment.</p> <p>No Change.</p>	
Contact		<p>Questions or code of conduct correspondence can be sent to codeofconduct@hamilton.ca</p>	<p>New Contact section with HR code of conduct email so employees know where to direct their questions or send documents, such as disclosure forms, email inquiries, etc.</p>

Schedule D: Outside Employment and Activity Amendments

Section	Current Text	Proposed Text	Rationale
<p>Purpose</p>	<p>The City of Hamilton recognizes that City employees are engaged in pursuits outside of their work day. This may include, but is not limited to, involvement in community groups and organizations, working with political organizations, and/or seeking additional employment opportunities in addition to their role at the City.</p> <p>While the City supports employees in their personal endeavors, the outside activities of employees must align with the City’s culture and values and must not create a conflict of interest, contravene City of Hamilton policies and procedures or misrepresent the City of Hamilton in any way. In addition, employees’ behaviour outside of the workplace must not diminish the trust and confidence that the community has in City administration or impact the City’s ability to provide services to the community.</p>	<p>No Change.</p> <p>The purpose of this Schedule is to outline the City’s expectations regarding these activities.</p>	<p>Clarifying sentence re the purpose of the Schedule.</p>
<p>Definitions</p> <p>Hate</p>	<p>Acts of hate are committed to intimidate, harm or terrify victims and the identifiable groups to which they belong. Victims of hate are targeted on the sole basis of who they are and/or the groups to which they belong (i.e., being Jewish, Muslim, Transgender, Black, Indigenous, etc.).</p> <p>Hate Related Incidents may involve intimidation, harassment, physical force or threat of physical force against a person, a group or a property if motivated by hatred/bias/prejudice against an identifiable group. Acts of hate may be committed by strangers or individuals well known to the victim. Perpetrators may include individuals, groups, organizations and institutions. Victims may be reluctant to report hate for a variety of reasons, including: not recognizing that the motivation was hate; fear of retaliation; embarrassment and humiliation; and/or uncertainty of the criminal justice system response.</p>	<p>Hate-Related Activities</p> <p>Hate-related activities may involve intimidation, harassment, physical force or threat of physical force against a person, a group or a property if motivated by hatred/bias/prejudice based on their race, religion, nationality, ethnic origin, sexual orientation, gender, disability, etc. Acts of hate may be committed by strangers or individuals well known to the victim. Perpetrators may include individuals, groups, organizations and institutions.</p> <p>Hate-related activities can include, but are not limited to, verbal slurs; threats; vandalism; intimidation and harassment; and public messages that imply that members of an identifiable group are to be despised, scorned, denied respect and made subject to ill-treatment on the basis of group affiliation. Such messages may include group symbols, slogans or epithets and can be transmitted in many ways (e.g., graffiti, posters, flyers, hate mail, over the telephone, website and e-mail content, etc.)</p>	<p>Important information – just condensed a bit for ease of reading.</p>

Section	Current Text	Proposed Text	Rationale
<p>Hate Activity</p>	<p>Can include, but is not limited to, verbal slurs; threats; vandalism; intimidation and harassment; and public messages that imply that members of an identifiable group are to be despised, scorned, denied respect and made subject to ill-treatment on the basis of group affiliation. Such messages may include group symbols, slogans or epithets and can be transmitted in many ways (e.g. graffiti, posters, flyers, hate mail, over the telephone, website and e-mail content, etc.)</p>		
<p>Terms and Conditions</p> <p>Outside Employment</p> <p>Outside Business & Financial Activity</p>	<p>Employees shall not take outside employment, including self-employment, if such employment:</p> <ul style="list-style-type: none"> causes a real or apparent conflict of interest; or is performed in such a way as to appear to be an official act of or to represent the City; or interferes with regular duties in any way, or involves the use of City premises, resources or equipment including but not limited to City e-mail, telephones, cell phones, or supplies. <p>Where it appears that a conflict of interest might arise in accepting outside employment, employees must notify their supervisor in writing of the nature of such outside employment prior and receive written permission prior to the acceptance of such employment (See Reporting a Conflict of Interest below).</p> <p>No employee participating in any outside business or financial activity shall do so during work hours or use the City’s facilities or property including but not limited to vehicles, equipment, tools, photocopiers, stationery, telephones or cell phones, computers, etc., for the benefit or purpose of such business or activity.</p>	<p>Employees shall not take outside employment, including self-employment, if such employment:</p> <ul style="list-style-type: none"> causes a real or perceived conflict of interest; or is performed in such a way as to appear to be an act of or to represent the City; or interferes with regular duties in any way. <p>Employees must report their outside employment to the Manager/Director. Where it appears that a real or perceived conflict of interest might arise employees must complete a Code of Conduct Disclosure Form (link) which is then to be submitted to Human Resources.</p> <p>No employee participating in any outside business or financial activity shall do so during work hours or use the City’s facilities or property including but not limited to vehicles, equipment, tools, photocopiers, stationery, supplies, e-mail, telephones or cell phones, computers, etc., for the benefit or purpose of such business or activity.</p>	<p>Shortened as “use of City premises...” is stated below under Outside Business and Financial Activity.</p> <p>Rather than receiving written permission, track conflict and possible mitigation through Disclosure Form.</p> <p>Moved from Outside Employment Above.</p>

Section	Current Text	Proposed Text	Rationale
<p>Purchase or Lease of Real Property</p> <p>Employees Doing Business with the City</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> <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 Procurement Policy By-law.</p>	<p>Delete from this Schedule</p> <p>No Change.</p> <p>No employee shall be permitted to sell goods and services to the City or to bid on a City contract unless:</p> <ul style="list-style-type: none"> • Extenuating circumstances exist, such as a declared state of emergency, or where the employee is the sole provider of a unique product, and • It can be demonstrated that the employee bid or sale of goods and services is in the best interest of the City of Hamilton. <p>The employee must submit a Code of Conduct Disclosure Form that outlines all real and apparent conflicts of interest to (codeofconduct@hamilton.ca).</p> <ul style="list-style-type: none"> • Disclosure Forms will be reviewed to determine if any conflicts of interest should disqualify the employee from selling goods and services or from participating in the bid process, despite the extenuating circumstances. • Staff involved in reviewing Disclosure Forms and confirming that the extenuating circumstances exist will include Legal, Procurement and Human Resources. 	<p>Repetitive - Purchase or Lease of Real Property is covered in Schedule C: Finances and Business Integrity</p> <p>Added as per Council request.</p>

Section	Current Text	Proposed Text	Rationale
<p>Individual Behavior Outside of the Workplace</p> <p>Involvement with Outside Groups</p> <p>Social Media</p>	<p>Employees must not engage in any behaviour outside of the workplace that:</p> <ul style="list-style-type: none"> • Violates City polices, including the Code of Conduct and the Harassment and Discrimination policy • Falls under the City’s definition of hate or hate activity • Is in misalignment with the City’s culture and values • Is detrimental to the City of Hamilton • Impacts the City’s ability to carry out services • Negatively impacts the trust and confidence that the community has in City administration <p>No employee of the City of Hamilton shall participate or otherwise be involved with groups who engage in hate or hate activity.</p> <p>When considering involvement with outside groups, employees should ensure that they are aware of and fully understand the group’s objectives, values and beliefs to ensure that they are not in misalignment with the City’s corporate culture and values.</p> <p>N/A</p>	<p>Notwithstanding any extenuating circumstances, employees will be precluded from bidding on a City contract or from selling goods and services to the City for the following reasons:</p> <ul style="list-style-type: none"> • Access to confidential or proprietary information that could give them an unfair advantage in the bidding or sale process, • Direct or indirect involvement in the procurement process or the decision-making process by virtue of their position with the City. <p>Employee bids and the sale of goods and services to the City must be approved by Human Resources, Legal, and Procurement. Bids of \$25,000 and over also require City Manager approval. This is in accordance with the City’s Procurement Policy By-law.</p> <p>Employees must not engage in any behaviour outside of the workplace that:</p> <ul style="list-style-type: none"> • Violates City polices, including the Code of Conduct and the Harassment and Discrimination policy • Falls under this Schedule’s definition of hate activities • Is in misalignment with the City’s culture and values • Is detrimental to the reputation of City of Hamilton • Impacts the City’s ability to carry out services • Negatively impacts the trust and confidence that the community has in City administration. <p>No employee of the City of Hamilton will participate or otherwise be involved with groups who engage in hate-related activities.</p> <p>No Change.</p> <p>As per the City’s Social Media Policy, employees must not engage in any social media conduct or practice that might damage the reputation of the</p>	<p>Use the definition within this document – easily accessible rather than searching the City Website. Clarify – detrimental to the reputation of the City.</p> <p>Consistent language re definition above.</p> <p>New paragraph – Aligns with the terms and conditions of the Social Media Policy.</p>

Section	Current Text	Proposed Text	Rationale
<p>Community Board Activity</p>	<p>No employee shall accept an appointment to the Board of a community agency or association that deals with matters related to the activities of the City, without the written permission of his or her Director or designate. Written permission of the Director or designate is not required if the employee is appointed to the Board of the agency or association by the City to represent the City’s interests.</p> <p>Any City employee serving on a community board shall take all reasonable actions to avoid any real conflict or apparent conflict between Board activity and the City’s interests. Where a real or apparent conflict exists, the employee shall declare the conflict and shall not take part in, or be present for, any Board discussion or decision about the issue raising the conflict of interest. If the conflict of interest is significant, the employee shall resign from the board. To ensure public trust in the City of Hamilton, employees must be, and appear to be, both personally impartial and free from undue political influence in the exercise of their duties.</p> <p>Employees engaged in political activities must take care to separate personal political activities from their position of employment with the City.</p>	<p>City, whether through official City channels or in personal social media usage. This includes but is not limited to:</p> <ul style="list-style-type: none"> • Making false and malicious comments about City programs, officials, employees, etc. • Sharing confidential City information or sharing news/information in advance of the City’s release date • Communicating about City matters with members of the media unless authorized to do so • Discussing city budgets, spending or related financial matters. <p>No employee shall accept an appointment to the Board of a community agency, professional organization, or association that deals with matters related to their professional activities of the City.</p> <p>Employees must report any Board activity to the Manager/Director. Where it appears that a real or perceived conflict of interest might arise employees must complete a Code of Conduct Disclosure Form (link) which is then to be submitted to Human Resources.</p> <p>Any City employee serving on a community board shall take all reasonable actions to avoid any real or perceived conflict between Board activity and the City’s interests. Where a real or perceived conflict exists, the employee shall declare the conflict and shall not take part in, or be present for, any Board discussion or decision about the issue raising the conflict of interest. If the conflict of interest is significant, the employee shall resign from the board.</p> <p>Delete paragraph</p>	<p>Recommended by Public Works. Recommended by Audit – linking to employee’s role at the City versus coaching a little league team for example.</p> <p>Rather than receiving written permission, track conflict and possible mitigation through Disclosure Form.</p> <p>Consistent with new language re perceived conflict instead of apparent.</p> <p>Covered in Political Activity below.</p> <p>Addresses real and perceived conflict.</p>
<p>Political Activity</p>			

Section	Current Text	Proposed Text	Rationale
	<p>Employees who are politically involved in Municipal, Provincial, or Federal levels of government must make it clearly understood that they are acting personally and not as representatives of the City.</p> <p>Employees who are running for elected office at the municipal level must abide by the respective legislation governing such elections. This includes abiding by s. 30 of the Municipal Elections Act, 1996 which requires that employees request and obtain an unpaid leave of absence beginning as of the day the employee is nominated and ending on voting day; and deems employees who are elected to office to have resigned from employment immediately before making their declaration of office.</p> <p>Any employee who is politically involved shall ensure that such involvement does not interfere with his or her ability to perform his or her corporate duties objectively.</p> <p>Employees must not engage in any political activity during working hours or utilize City assets resources or property.</p> <p>Employees shall not identify themselves as City employees when engaged in political activity (e.g., employees shall not wear clothing with the City of Hamilton logo while canvassing for a candidate).</p> <p>Notices, posters or similar material in support of a particular candidate or political party are not to be displayed or distributed by employees at City work sites or on City property. An employee's decision to support a candidate or political party financially remains a personal decision.</p>	<p>To ensure public trust in the City, employees must be, and appear to be, both personally impartial and free from undue political influence in the exercise of their professional duties and responsibilities.</p> <p>No change.</p> <p>No Change.</p> <p>Any employee who is politically involved shall ensure that such involvement does not interfere with their ability to perform their corporate duties objectively.</p> <p>Employees must not engage in any political activity during working hours or utilize City assets, resources or property and act in compliance with the Use of City Resources During an Election policy.</p> <p>No Change.</p> <p>No Change.</p>	<p>Gender neutral pronoun.</p> <p>Requested by Clerks.</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</p>	<p>Employees are expected to be aware of and act in compliance with the Code of Conduct Policy and all related Schedules.</p>	<p>More concise language.</p>

Section	Current Text	Proposed Text	Rationale
	<p>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 with cause.</p>	<p>Real or perceived breaches of this Schedule should be reported to the Manager/Director without delay, followed by completion of the Code of Conduct Disclosure Form (link).</p> <p>Where there is serious wrongdoing as defined in the Whistleblower By-law (link) that By-law applies.</p> <p>Failure to comply with this Policy and related Schedules may result in appropriate disciplinary measures, up to and including termination of employment.</p>	<p>Reminder of employee responsibility to report a breach and complete the Disclosure Form.</p>
<p>Contact</p>		<p>Questions or code of conduct correspondence can be sent to codeofconduct@hamilton.ca</p>	<p>New Contact section with HR code of conduct email so employees know where to direct their questions or send documents, such as disclosure forms, email inquiries, etc.</p>

Schedule E: Anti-Nepotism Amendments

Section	Current Text	Proposed Text	Rationale
Purpose	<p>The City of Hamilton (“the City”) makes all hiring and employment related decisions based on transparency, equitable opportunity, and an overall emphasis on merit. This schedule aims to eliminate the influence of nepotism in City hiring and employment related decisions to maintain confidence in the integrity of the City’s hiring and employment practices.</p> <p>The purpose of this schedule is to ensure that employment related decisions concerning existing or potential City employees are free from any real or perceived improper influence based on family member or significant social relationships. At the same time, it is recognized that existing family member and significant social relationships with City employees should not unduly or unfairly restrict or enhance an individual’s opportunity to pursue employment or changes in employment at the City.</p>	<p>The City of Hamilton makes all hiring and employment related decisions based on transparency, equitable opportunity, and merit (knowledge, skills, and experience).</p> <p>The purpose of this schedule is to outline expectations related to hiring practices and reporting relationships at the City.</p>	<p>Concise, paired down text.</p>
DEFINITIONS Conflict of Interest	<p>A conflict of Interest, as defined in Schedule A of the Code of Conduct for Employees policy, 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>Apparent Conflict: 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>Real Conflict: 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 	<p>Delete this definition.</p> <p>Delete</p> <p>Delete</p>	<p>This definition is contained in the Policy and need not be repeated here – it isn’t in any of the other schedules. Talent agrees.</p>

Section	Current Text	Proposed Text	Rationale
Direct Reporting Relationship	influence the exercise of those duties. Involves a reporting relationship where an individual has the authority to: direct and control the activities and work assignments of another employee; review or approve performance reviews; approve wage and salary adjustments; administer disciplinary action; and recommend or approve the hiring or firing of an employee.	Involves a reporting relationship where an individual has the authority to: <ul style="list-style-type: none"> • direct and control the activities and work assignments of another employee, • review or approve performance reviews, • approve wage and salary adjustments, • administer disciplinary action, and/or • recommend or approve the hiring or firing of an employee. 	Formatting to bullets for ease of reading/consistency. And/or instead of and as any of these actions would constitute a direct reporting relationship
Family Member	Includes the following family relationships: <ul style="list-style-type: none"> • spouse (includes married and common-law of the same or opposite sex) • mother, father, or legal guardian (foster or step) • son, daughter (foster or step) • sister, brother, step-sister, step-brother • aunt, uncle, niece and nephew • mother-in-law, father-in-law, sister-in-law, brother-in-law, • son-in-law or daughter-in-law • grandchild, grandparent, step-grandparent, step-grandchild • child, mother or father in a relationship where the role of parent has been assumed 	Includes the following family relationships: <ul style="list-style-type: none"> • spouse (includes married and common-law of the same or opposite sex) • mother, father, or legal guardian (foster or step) • son, daughter (foster or step) • sister, brother, step-sister, step-brother • aunt, uncle, niece and nephew, cousin • mother-in-law, father-in-law, sister-in-law, brother-in-law, • son-in-law or daughter-in-law • grandchild, grandparent, step-grandparent, step-grandchild • child, mother or father in a relationship where the role of parent has been assumed 	Addition of cousin – check COI docs from other municipalities
Indirect Reporting Relationship	Exists between the employee and the second-removed manager.	No change.	
Nepotism	Favoritism granted to a family member or individual of significant social relationship, usually in the form of hiring practices or other employment decisions without regard or with lesser regard to the individual’s merit, qualifications or performance.	No change.	
Significant Social Relationship	An emotional association, personal relationship or strong friendship that is not defined by blood or legal bonds, e.g. godchild		Use examples that pertain to a broader population

Section	Current Text	Proposed Text	Rationale
		An emotional association, personal relationship or strong friendship that is not defined by blood or legal bonds, e.g., close neighbour, longstanding business partner.	rather than a religion-based example (godchild).
Principles	<ol style="list-style-type: none"> The City is committed to eliminating nepotism in any employment related decisions to preserve employee morale; to provide the highest quality service possible to the citizens and businesses the City serves; and to ensure equitable opportunities, and real and perceived integrity in the recruitment process. This schedule abides by the Recruitment & Selection Policy 	<p>The City is committed to eliminating nepotism in any employment related decisions to:</p> <ul style="list-style-type: none"> preserve employee morale; provide the highest quality service possible to the citizens and businesses the City serves; and ensure equitable opportunities and real and perceived integrity in the recruitment process. <p>This schedule abides by the City’s Recruitment & Selection Policy (link).</p>	<p>Formatting only – bulleted list for ease of reading.</p> <p>Add link.</p>
Terms & Conditions	<ol style="list-style-type: none"> This schedule is in accordance with the Ontario <i>Human Rights Code</i>. S. 24 (1) (d) of the <i>Code</i> states that the right under section 5 to equal treatment with respect to employment is not infringed where an employer grants or withholds employment or advancement in employment to a person who is the spouse, child or parent of the employer or an employee. The hiring process promotes equitable opportunity, and candidates are selected and employment decisions made in accordance with the City's recruitment & retention policies and procedures, access & equity policies, collective agreements, the Code of Conduct for Employees Policy, Code of Conduct for Members of Council Policy, as well as any other applicable City policies. No employee shall attempt to use a family or significant social relationship for his or her personal benefit or gain. This includes an employee misusing their authority to influence or make an employment related decision. Employment related decisions where a benefit may be gained or authority may be misused include but are not limited to the following: 	<p>Delete</p> <p>Delete</p> <ol style="list-style-type: none"> No employee shall attempt to use a family or significant social relationship for personal benefit or gain. This includes an employee misusing their authority to influence or make an employment related decision, including but not limited to: <ul style="list-style-type: none"> the approval/denial of compensation increases; 	<p>Too much detail for the average employee – seem more principal-based rather than action item.</p> <p>Too much detail for the average employee – seem more principal-based rather than action item.</p> <p>Inclusive language</p> <p>Removed sentence that is repetitive.</p>

Section	Current Text	Proposed Text	Rationale
	<ul style="list-style-type: none"> • the approval/denial of compensation increases; • hire, transfer, promotion, demotion decisions; • performance rating, discipline or termination; • the assignment and approval of overtime; • the assignment or direction of work assignments; • approval of leaves of absences; • the negotiation of salary level. <p>4. No employee shall attempt to improperly influence a recruitment or selection decision to benefit a family member or someone with whom they have a significant social relationship</p> <p>5. All job applicants will be requested to disclose the names of any spouse, child or parent who is a current employee or elected official of the City. Job applicants will be asked whether they are aware of any family or significant social relationships currently working as a City employee or elected official by disclosing a "yes" or "no" response. With the exception of a spouse, child, or parent relationship, applicants will not be requested to provide the names of any other family member or significant social relationships, in accordance, with the Ontario <i>Human Rights Code</i>.</p> <p>6. A spouse, child or parent of a current City employee or City elected official shall not be considered for employment, or changes in employment, if placement would create a direct or indirect reporting relationship with the above mentioned family members.</p> <p>7. No employee shall be in a direct or indirect reporting relationship; or be placed in a position of influence over an employed family member or significant social relationship.</p>	<ul style="list-style-type: none"> • interview selection, screening, hiring, transfer, promotion, demotion decisions; • performance rating, discipline or termination; • the assignment and approval of overtime; • the assignment or direction of work assignments; • approval of leaves of absences; • the negotiation of salary level. <p>No change.</p> <p>No change.</p> <p>4. A family member or significant relationship of a current City employee or City elected official shall not be considered for employment, or changes in employment, if placement would create a direct or indirect reporting relationship with the above-mentioned family members. In addition, General Managers or Directors are not permitted to have a family relationship working within their Departments or Division, even if the relationship extends beyond an indirect relationship.</p> <p>No change.</p>	<p>Talent requested the addition of 'interview selection' as this happens with relative frequency. Audit requested the addition of 'screening' based on investigation experience.</p> <p>Addition of 'family member or significant relationship' as reporting relationships with others (e.g., sister, brother-in-law, etc.) are also problematic.</p> <p>Talent requested the addition of the highlighted sentence as GM or Director influence/power dynamic is more prevalent at this higher level.</p>

Section	Current Text	Proposed Text	Rationale
	<p>8. Employees who become involved in a spousal relationship, significant social relationship, or who become related over the course of their employment may continue as employees if no direct reporting or indirect reporting relationship exists between such employees. If there is a direct reporting or indirect reporting relationship the City will attempt to find a suitable job to transfer one of the affected employees. If the City is unable to transfer the employee or the employee is unable to find alternative employment, then a decision will be made, in consultation with Human Resources, as to appropriate next steps.</p> <p>9. Family members of City employees and City elected officials will be considered for employment or advancement provided they:</p> <ul style="list-style-type: none"> • have made application in accordance with established procedure; • have been considered in accordance with established procedure; • possess the necessary qualifications; and • are considered to be the most suitable candidate. 	<p>6. Employees who become involved in a spousal relationship, significant social relationship, or who become related over the course of their employment, are required to notify their Manager/Director and Human Resources. These employees may continue in their existing employment role if no direct reporting or indirect reporting relationship exists between such employees. If there is a direct reporting or indirect reporting relationship the City will attempt to find a suitable job to transfer one of the affected employees. If the City is unable to transfer the employee or the employee is unable to find alternative employment, then a decision will be made, in consultation with Human Resources, as to appropriate next steps.</p> <p>7. Family members of City employees and City elected officials will be considered for employment or advancement so long as there is no direct or indirect reporting relationship, and provided they:</p> <ul style="list-style-type: none"> • have made application in accordance with established procedure; • have been considered in accordance with established procedure; • possess the necessary qualifications; and • are considered to be the most suitable candidate. 	<p>The addition of the highlighted portion was requested by Talent, as often there are significant delays in employees sharing this information (if at all).</p> <p>Clarifies that family member or significant social relationships with City employees does not preclude an individual from employment or advancement as long as there is no direct or indirect reporting relationship.</p>
<p>Responsibilities</p> <p>Employee</p>	<ul style="list-style-type: none"> ○ Immediately notify supervisor in writing of any conflict of interest. This includes the existence or formation of a direct or indirect reporting relationship with a family member or person for whom there is a significant social relationship. ○ Inform General Manager or Human Resources directly, if the employee has knowledge of a reporting relationship where an undisclosed conflict of interest exists. 	<ul style="list-style-type: none"> ○ Immediately notify Manager/Director in writing of any conflict of interest. This includes the existence or formation of a direct or indirect reporting relationship with a family member or person for whom there is a significant social relationship. ○ Inform General Manager or Human Resources directly or make a confidential or anonymous complaint through the City's Fraud and 	<p>Talent requested a higher level of reporting as experience shows these relationships are more prevalent at the supervisor level.</p> <p>This addition was requested by Audit.</p>

Section	Current Text	Proposed Text	Rationale
<p>Supervisor</p> <p>Director</p> <p>Human Resources</p>	<ul style="list-style-type: none"> ○ Do not knowingly place employees in positions where their duties could create a conflict of interest with a family member or significant social relationship. ○ Where conflict of interests exist, notify the department’s General Manager, who, in consultation with Human Resources, shall determine whether the employee has breached or may potentially become in breach of this Policy. ○ If a real or apparent conflict exists, and it is duly reported, such that the employee is or may be or may become in breach of this schedule and the Code of Conduct, 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, determine the appropriate disciplinary measure in consultation with Human Resources. ○ Where a direct or indirect reporting relationship exists between family members or a significant social relationship, in consultation with Human Resources and the manager or supervisor, make reasonable efforts to transfer one of the employees to a different division or department. ○ Provide consultation, as requested, from employees on this Policy and specific situations involving a conflict of interest. 	<p>Waster Hotline (link) if the employee has knowledge of a reporting relationship where an undisclosed conflict of interest exists.</p> <p>No change.</p> <p>No change.</p> <ul style="list-style-type: none"> ○ If a real or perceived conflict exists, and it is duly reported, such that the employee is or may be or may become ... <p>No change.</p> <p>No change.</p>	<p>To be consistent with new terminology, no other change.</p>
<p>Compliance</p>	<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>	<p>Employees are expected to be aware of and act in compliance with the Code of Conduct Policy and all related Schedules.</p> <p>Real or perceived breaches of this Schedule should be reported to the Manager/Director without delay, followed by completion of the Code of Conduct Disclosure Form (link).</p>	<p>More concise language.</p> <p>Reminder of employee responsibility to report a breach and complete the Disclosure Form.</p>

Section	Current Text	Proposed Text	Rationale
		<p>Where there is serious wrongdoing as defined in the Whistleblower By-law (link) that By-law applies.</p> <p>Failure to comply with this Policy and related Schedules may result in appropriate disciplinary measures, up to and including termination of employment.</p>	
Contact		<p>Questions or code of conduct correspondence can be sent to codeofconduct@hamilton.ca</p>	<p>New Contact section with HR code of conduct email so employees know where to direct their questions or send documents, such as disclosure forms, email inquiries, etc.</p>

Schedule F: Interacting with the Office of the Auditor General Amendments

Section	Current Text	Proposed Text	Rationale
Policy Statement	<p>In accordance with the Municipal Act and City of Hamilton By-Law 19-180, the Auditor General acts as an Accountability Officer of the City of Hamilton. The Auditor and the Office of the Auditor General (OAG) fulfils this duty by assisting City Council in holding itself and its administrators accountable for the quality of stewardship over public funds and for the achievement of value for money in City operations. The OAG’s mandate is to report to Hamilton City Council via the Audit, Finance and Administration Committee objective information and recommendations resulting from independent audits of the government's programs, and in other areas outlined in the Audit Charter.</p> <p>Audits are vital to ensuring transparency in government and in building trust and confidence. The purpose of this schedule is to outline the roles, responsibilities and expectations of all staff when involved in an audit investigation or other work.</p>	No change.	
Scope	<p>Schedule F of the Code of Conduct applies to all employees at the City of Hamilton, including but not limited to regular, temporary and contract employees, volunteers, students and interns.</p> <p>Schedule F is applicable to the following types of work undertaken by the OAG:</p> <ul style="list-style-type: none"> • All types of audits (including compliance, value for money or a combination of the two) • Investigations (including Fraud, Waste and Whistleblower) • Other types of work at the Auditor General’s discretion <p>Schedule F is not applicable to the following types of work due to their collaborative nature:</p> <ul style="list-style-type: none"> • Risk assessments • Consulting projects (including research) 		

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	<p>If for these types of work, issues in obtaining information are encountered, the work may either be cancelled or be switched to an audit or investigation, at the discretion of the Auditor General.</p>		
<p>Principles</p>	<p>The following principles guide interactions between City employees and the Office of the Auditor General (OAG), when conducting audits and investigations.</p> <p><u>Independence</u> The Auditor General and staff are independent of City administration and operations. This independence is a safeguard that enables the OAG to fulfil its auditing and reporting responsibilities objectively and fairly. Auditor Generals must therefore be free from any external impairment to that independence.</p> <p><u>Respect</u> Under the Municipal Act the OAG has the mandate and the authority to set the parameters of an audit. All dealings with the OAG shall be respectful of that authority.</p> <p><u>Responsibility</u> All City staff involved in an audit have a responsibility to ensure a positive and constructive relationship and working environment. In particular, Leaders have a duty to ensure this relationship is maintained through the course of an audit.</p> <p><u>Co-operation</u> It is the responsibility of all City staff to provide the OAG with access to the people, information, systems and records necessary to the performance of its legislated audit responsibilities. Provision of information will occur in an atmosphere that respects and protects the confidentiality of staff members</p>	<p>No Change</p> <p>No Change</p> <p>No Change</p> <p>No Change</p> <p><u>Confidentiality</u> Matters investigated by the OAG are confidential. It is the responsibility of all City employees to maintain confidentiality during investigations.</p>	<p>Audit has requested that this paragraph be added to this section to underscore</p>

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		Confidentiality is important to protect the objectivity and integrity of OAG investigations.	the importance of confidentiality during investigations.
Definitions Accountability Officer Audit Working Papers Information Sensitive and Confidential Information	<p>Independent parties that ensure transparency and accountability and receive and investigate complaints. This can include the Auditor General, Integrity Commissioner, Lobbyist Registrar or Ombudsman</p> <p>Auditors' files, notations, analysis and documentation, both electronic and paper, that support findings and conclusions in their report.</p> <p>All hard copy, electronic records and meta data.</p> <p>Information that is protected, including information excluded from MFIPPA and PFIPPA FOI requests.</p>	No Change	
TERMS AND CONDITIONS Audit Standards Confidentiality	<p>While conducting an audit, Auditors are obliged to follow audit standards. Auditors are required to maintain an attitude of professional skepticism in ensuring that all the information examined is supportable.</p> <p>Auditors are obliged to obtain sufficient and appropriate evidence regarding the information gathered, including electronic, written and verbal.</p> <p>Confidentiality is an integral part of the audit process and the OAG has a duty to protect the confidentiality of information received and cannot communicate information other than as part of the audit report and in prescribed situations. Accordingly, per section 223.22 (4) of the Municipal Act, audit working papers shall not be made available as they are confidential. Information collected by the auditors is not subject to public</p>	<p>No Change</p> <p>No Change</p>	

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<p>When Requested to Interact with the Office of the Auditor General</p>	<p>access under the Municipal Freedom of Information and Protection of Privacy Act (MFIPPA).</p> <p>When involved in an audit investigation or other work, all City of Hamilton employees will:</p> <ul style="list-style-type: none"> • Fully cooperate with the OAG • At the start of the audit, share all relevant information (including consultant’s reports) and provide access to systems • Respond courteously, with fairness and honesty to inquiries and requests for information or assistance from the OAG and not limit or unreasonably delay the time allowed to provide information and conduct interviews. • Respect that the OAG has the authority to select and determine what information is required for the audit, decide the pertinence of information, the selection or application of audit procedures and transactions or events to be examined. • Not restrict the audit or interfere with the auditors’ ability to form independent, objective opinions and conclusions, or in matters of audit selection, scope and report content. • Provide clear and full disclosure of requested information and explanations, and the appropriate access to City resources and information sources. • Provide original supporting documentation when available and requested by the auditors, and shall in no way alter, change or delete information or records. • Leaders shall permit access to staff for the purposes of interviews, confidentially if so requested by the auditor. • Leaders will cooperate with any requests to assign a coordinator to work with the Office of the Auditor General to coordinate materials and ensure that the audit investigation or other work is handled efficiently. However, that should not constrict auditors from having direct access to information custodians or operational staff. 	<p>Add the following to the list:</p> <ul style="list-style-type: none"> • Maintain confidentiality during investigations (e.g., do not discuss confidential interviews or investigation requests with others). 	<p>Requested by Audit to emphasize the importance of confidentiality in an OAG investigation.</p>

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<p>Release of Sensitive Information</p> <p>Issues Arising During the Course of an Audit</p>	<p>All City records including confidential and sensitive information are subject to review by the OAG. Where approval is required by the General Manager for release of information, the approval process should not unreasonably delay the audit process.</p> <p>Any information including sensitive and confidential information, must be provided in full and not be redacted, altered or abridged.</p> <p>If, during the course of an audit, an employee commits or becomes aware of any infraction of the Code of Conduct they are obligated to contact the Auditor General to report the activity directly, or using the Fraud and Waste Hotline.</p> <p>If at any time, an employee is unclear if the infraction of the Code of Conduct jeopardizes the integrity of the audit, they will contact the Office of the Auditor General for consultation in the matter, or through the Fraud and Waste Hotline.</p> <p>The bringing forth of such information will be held in strict confidence by the Auditor General. Once the Auditor General has documented the information, it will be reviewed to determine how the infraction impacts the audit and develop next steps in dealing with the issue.</p>	<p>No Change</p> <p>No Change</p>	
<p>Compliance</p>	<p>Every employee is expected to be aware of and act in compliance with this policy and with the related Code of Conduct for Employees Policy. 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 serious wrongdoing as defined in the Whistleblower By-law, then the By-Law prevails. Violations of this policy may result in appropriate disciplinary measures, up to and including dismissal.</p>	<p>Employees are expected to be aware of and act in compliance with the Code of Conduct Policy and all related Schedules.</p> <p>Real or perceived breaches of this Schedule should be reported to the Manager/Director without delay, followed by completion of the Code of Conduct Disclosure Form.</p> <p>Where there is serious wrongdoing as defined in the Whistleblower By-law (link) that By-law applies.</p>	<p>Reminder of employee responsibility to report a breach and complete the Disclosure Form.</p>

Section	Current Text	Proposed Text	Rationale
		Failure to comply with this Policy and related Schedules may result in appropriate disciplinary measures, up to and including termination of employment.	Updated language re termination of employment.
Contact		Questions or code of conduct correspondence can be sent to codeofconduct@hamilton.ca .	New Contact section with HR code of conduct email so employees know where to direct their questions or send documents, such as disclosure forms, email inquiries, etc.

Schedule G: Sharing of Consultant Reports with Identified Imminent Risks to Human Health or Safety Amendments

Section	Current Text	Proposed Text	Rationale
Policy Statement	<p>The City of Hamilton hires consultants to provide expert, objective advice and to identify opportunities and challenges for the City to pursue. Through their work, consultants may identify risks of various types and severity and include recommendations for action.</p> <p>Where City staff receive a report from a consultant that identifies an imminent danger to human health or safety, the City Manager will ensure that information is promptly and appropriately shared with Council.</p>	No Change	N/A
Scope	<p>This policy applies to all City of Hamilton employees and consultants contracted by the City of Hamilton.</p> <p>This policy does not include consultants retained in the course of a litigation matter.</p>	No Change	N/A
Principles	<p>Consultants must communicate any imminent risks to human health or safety that they become aware of as a part of the work they are conducting for the City with City staff immediately.</p> <p>City staff in receipt of a report from a consultant that has identified an imminent risk to human health or safety must disclose this information to leadership.</p> <p>The City Manager shall ensure that immediate risks to human health or safety are communicated to Council promptly.</p> <p>The City Manager will ensure that procedures are developed to outline the process of communication and responsibilities for City leadership and staff.</p>	No Change	N/A
History	<p>The following stakeholders were consulted in the creation or revisions made to this Policy:</p> <ul style="list-style-type: none"> • Senior Leadership Team • Legal Services • Risk Management • Human Resources 	No Change	N/A

Section	Current Text	Proposed Text	Rationale
Compliance		<p>Employees are expected to be aware of and act in compliance with the Code of Conduct Policy and all related Schedules.</p> <p>Real or perceived breaches of this Schedule should be reported to the Manager/Director without delay, followed by completion of the Code of Conduct Disclosure Form.</p> <p>Where there is serious wrongdoing as defined in the Whistleblower By-law (link) that By-law applies.</p> <p>Failure to comply with this Policy and related Schedules may result in appropriate disciplinary measures, up to and including termination of employment.</p>	<p>New Compliance Section added for clarity regarding consequences for not following the Schedule, and to be consistent with the Code of Conduct Policy and other Schedules A-F.</p>
Contact		<p>Questions or code of conduct correspondence can be sent to codeofconduct@hamilton.ca.</p>	<p>New Contact section with HR code of conduct email so employees know where to direct their questions or send documents, such as disclosure forms, email inquiries, etc.</p>