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Schedule B: Fees, Gifts and Hospitality

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| PURPOSE | 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. |
| DEFINITIONS | |
| <u>Disclosure of Gifts and Hospitality Form</u> | 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. Instructions for completion of the Disclosure Form are included with the form. |
| Fees | An amount of money that is paid for work conducted for an outside organization or individual, for example, a speaking engagement. |
| Gifts | 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), a member of their family, or a significant social relationship from an outside organization or individual. |
| Hospitality | 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. |
| Pecuniary Interest | 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. |
| Non-Pecuniary Interest | 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 |

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| | limited to, a social benefit, political advantage, professional advancement, preferential treatment, access to benefits not available to the public, etc. |
| <p>TERMS & CONDITIONS</p> <p>Pecuniary and Non-Pecuniary Gifts and Hospitality</p> | <p>1. 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> <ul style="list-style-type: none"> (a) are applying for, or are in receipt of, services from the City, (b) 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><u>Exceptions</u></p> <p>Gifts</p> | <p>2. Gifts of a nominal value that do not exceed \$50 in value may be accepted in the following circumstances, as long as there is no real or perceived conflict of interest:</p> <ul style="list-style-type: none"> (a) Promotional items, such as a mug, pens, business portfolios, magnets, etc. from a conference, trade show, etc. (b) Items presented to persons participating in public functions as guest speakers, panelists, etc. such as flowers, plaques, picture frames, pens, chocolates, travel mugs, water bottles, gift card, etc. (c) Token exchanges as part of protocol, for example, from a visiting international delegation, a cultural group, a charitable organization, etc. (d) Gifts of courtesy or thanks which are shared within the Department or donated to charity, such as seasonal gift baskets, flowers, gift cards, etc. <p>3. Any gifts that exceed \$50 should be returned to the sender with an acknowledgement and with reference to the Code of Conduct. Any gifts that cannot be reasonably returned should be donated to charity, auctioned off to employees with the proceeds going to charity, or shared with all employees within the Department.</p> |

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| | <p>4. Gifts of alcohol (e.g., bottles of wine or liquor) cannot be accepted regardless of their value.</p> <p>5. Gifts received by an employee on behalf of the City where the gift is intended to become the property of the City and/or the gift commemorates or records a significant event, place, or individual (such as a commemorative plaque) are excluded from this Schedule.</p> |
| Hospitality | <p>6. Some employees are required to participate in hospitality activities as part of their job duties and responsibilities for the City.</p> <p>7. This is permitted for these employees provided that:</p> <ul style="list-style-type: none"> (a) The value of the hospitality does not exceed \$50; and (b) There is no real or perceived conflict of interest, and (c) 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 (d) It is an infrequent occurrence; and (e) It legitimately serves a business purpose; and (f) It is part of the employee’s professional duties and job responsibilities; and (g) The hospitality is not an attempt to seek special favours or advantages from the employee or the City. <p>8. In limited circumstances, employees may participate in hospitality activities that exceed \$50, as long as the conditions in 7 (b)-(g) are met, and employees have approval from their General Manager prior to the activity.</p> <p>9. Accepting free admission for the balance of a seminar, conference, etc. is permitted when the employee is fulfilling a work responsibility, for example, as a presenter, keynote speaker, etc. However, the employee must receive approval from their General Manager prior to the event and complete a Disclosure of Gifts and Hospitality Form to be submitted to Human Resources via the Code of Conduct email (codeofconduct@hamilton.ca).</p> |

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| <p>Tracking and Disclosure of Gifts and Hospitality</p> | <p>10. Employees are required to track receipt of any gifts or hospitality outlined above using the Personal Gifts and Hospitality Form.</p> <p>11. When the total value of gifts and/or hospitality exceeds \$200 in a calendar year, employees must complete a Disclosure of Gifts and Hospitality Form (link) and submit it to their General Manager and to Human Resources via the Code of Conduct email (codeofconduct@hamilton.ca). All forms must be submitted upon completion or, at the latest, by December 31 each calendar year.</p> <p>12. Human Resources will provide an annual report of employee-received gifts and hospitality that exceed a total of \$200 to the respective General Managers and to the Executive Director of Human Resources.</p> |
| <p>Fees</p> | <p>13. 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"> (a) 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, (b) 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. (c) 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>14. 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</p> |

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| | <p>Disclosure of Gifts and Hospitality Form to be submitted to Human Resources via the Code of Conduct email (codeofconduct@hamilton.ca) prior to the activity.</p> <p>15. 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.</p> <p>16. 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 is required and is to be submitted to Human Resources via the Code of Conduct email (codeofconduct@hamilton.ca).</p> |
| RELATED DOCUMENTS | Disclosure of Gifts and Hospitality Form |
| 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 and Human Resources without delay, along with the completion of the Code of Conduct Disclosure Form.</p> <p>Where there is serious wrongdoing as defined in the Whistleblower By-law 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> |
| HISTORY | Schedule B was amended to update/add new definitions and to re-organize/clarify Terms and Conditions related to Exceptions on 2023-06-07. |

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| CONTACT | Questions or code of conduct correspondence can be sent to codeofconduct@hamilton.ca |
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