

Proposed Changes to the Code of Conduct for Employees, Schedule B: Fees, Gifts and Hospitality

Section	Current Text of Schedule B	Proposed Changes	Considerations
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.	No Changes.	
Definitions			
Disclosure of Gifts and Hospitality Form	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.	The form employees complete to identify a benefit (fee, gift, or hospitality) they received from an outside organization or individual in the course of their professional duties and responsibilities. Instructions for completion of the Disclosure Form (link) are included with the form.	Keep text that defines what the form is. Delete text that says how it is to be used and move to terms and conditions.
Fee	An amount of money that is paid for work conducted.	An amount of money that is paid for work conducted for an outside organization or individual, for example, a speaking engagement.	Text added for additional clarity.
Gift	A benefit of any kind, not only pecuniary in nature, including but not limited to gifts, gift	A benefit of any kind, not only pecuniary in nature, including but not limited to gifts, gift certificates, gift	'Significant social relationship' added to be consistent with the

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Hospitality	<p>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.</p> <p>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.</p>	<p>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.</p> <p>No changes</p>	current definition of Hospitality and with other Code of Conduct schedules.
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.	No changes	
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 limited to, a social benefit, political advantage, professional advancement, preferential treatment, access to benefits not available to the public, etc.	No changes	

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<p>Terms and 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> <p>(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>	<p>No changes.</p>	
<p>Exceptions</p> <p>Gifts or Hospitality Valued at \$25 or Under</p>	<p>2. 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, pen, mug, etc. from a conference, trade show, etc.) provided that:</p> <p>(a) it is in in the context of a business meeting or interaction, or in the context of a recognized charitable event; and</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> <p>a. Promotional items, such as a mug, pens, business portfolios, magnets, etc. from a conference, trade show, etc.</p>	<p>The proposed changes separate gifts and hospitality into two distinct sections with different criteria. Many municipalities do this and have similar criteria to what is proposed here.</p> <p>The proposed new value is \$50, instead of under \$25, \$25-\$100, over \$100. This is more straight</p>

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	<p>(b) it is an infrequent occurrence; and (c) it legitimately serves a business purpose; and (d) it is part of the employee’s professional duties and job responsibilities; and (e) the gift or hospitality is not an attempt to seek special favours or advantages from the employee or the City.</p> <p>3. 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 and submit it to Human Resources via the Code of Conduct email (codeofconduct@hamilton.ca).</p>	<p>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.</p> <p>c. Token exchanges as part of protocol, for example, from a visiting international delegation, a cultural group, a charitable organization, etc.</p> <p>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> <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> <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</p>	<p>forward and hopefully easier for employees to follow.</p> <p>Some municipalities identify a dollar value while others indicate “a nominal value” only. We thought it best to set some parameters and propose \$50.</p> <p>New requirement to return gifts exceeding \$50, to give to charity, or to share amongst all employees in Department – avoid perception of influence over one employee. Consistent with what some other municipalities are doing.</p> <p>New stipulation to explicitly preclude gifts of alcohol.</p> <p>This text is in the current policy, it is just moved up in the policy to be under the Gifts section.</p>

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		plaque) are excluded from this Schedule.	Reference to completing a disclosure form is deleted here but moved to a new section below "Tracking and Disclosure of Gifts and Hospitality".
<p>Gifts or Hospitality Valued at Over \$25 and under \$100</p>	<p>4. An employee may accept a gift or hospitality valued at over \$25 and under \$100 provided that:</p> <ul style="list-style-type: none"> (a) it is in in the context of a business meeting or interaction, or in the context of a recognized charitable event; and (b) it is an infrequent occurrence; and (c) it legitimately serves a business purpose; and (d) it is part of the employee's professional duties and job responsibilities; and (e) the gift or hospitality is not an attempt to seek special favours or advantages from the employee or the City. <p>5. 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 and submit it to Human Resources via the Code of Conduct email (codeofconduct@hamilton.ca).</p>	Deleted	Explanation as above.
<p>Gifts or Hospitality Valued at \$100 or More</p>	<p>6. In almost all cases, employees are not permitted to accept a gift or hospitality valued at \$100 or more.</p>	Deleted	Explanation as above.

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	<p>7. 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> <p>(a) it is in in the context of a business meeting or interaction, or in the context of a recognized charitable event; and</p> <p>(b) it is an exceptional occurrence; and</p> <p>(c) it legitimately serves a business purpose; and</p> <p>(d) it is part of the employee's professional duties and job responsibilities; and</p> <p>(e) the gift or hospitality is not an attempt to seek special favours or advantages from the employee or the City.</p> <p>8. The employee must seek approval from the General Manager to keep the gift or hospitality and complete the Disclosure of Gifts and Hospitality Form. The Form must be submitted to Human Resources via the Code of Conduct email (codeofconduct@hamilton.ca).</p>		
<p>Participation in Hospitality Events as Part of Employee Professional Duties and Job Responsibilities</p>	<p>9. 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>6. Some employees are required to participate in hospitality activities as part of their job duties and responsibilities for the City.</p>	<p>Text reworded to simplify.</p>

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<p>Hospitality</p>	<p>10. This is permitted provided that: (a) 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 (b) it legitimately serves a business purpose; and (c) it is part of the employee’s professional duties and job responsibilities; and (d) the gift or hospitality is not an attempt to seek special favours or advantages from the employee or the City.</p>	<p>7. This is permitted for these employees provided that: (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> <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 <u>prior to the activity</u>.</p>	<p>Proposed text includes adding the \$50 dollar value limit for hospitality (a), as well as a condition that receipt of the hospitality does not lead to a conflict of interest (b).</p> <p>Also, the addition of (d) regarding an infrequent occurrence – to prevent a pattern that could be perceived as a conflict.</p> <p>The other conditions remain the same.</p> <p>Addition of circumstances where hospitality over \$50 may be permitted. Conditions in 10. (now 7.) must still be met and prior approval by the General Manager is required.</p>

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	<p>11. 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 and submit it to Human Resources via the Code of Conduct email (codeofconduct@hamilton.ca).</p> <p>12. 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 to be submitted to Human Resources via the Code of Conduct email (codeofconduct@hamilton.ca).</p>	<p>Moved to below</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>	<p>Clarification that the seminar, conference, etc. is part of the employee's work responsibilities.</p> <p>Employees must receive approval from their General Manager, not just inform their Manager/Director.</p>
<p>Gifts Given to the City</p>	<p>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.</p>	<p>Moved up to 5. above.</p>	

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Tracking and Disclosure of Gifts and Hospitality	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 and submit it to Human Resources via the Code of Conduct email (codeofconduct@hamilton.ca).	<p>10. Employees are required to track receipt of any gifts or hospitality outlined above using the Personal Gifts and Hospitality Form (we will create this 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>New requirement for employees to track their receipt of gifts and hospitality.</p> <p>\$200 value is in the current policy. Employees would be required to submit the form to their General Manager (not just inform their manager). The date for submission of the form is new.</p> <p>Proposing a new reporting requirement for Human Resources.</p>
Fees	<p>14. 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> <p>(a) Public speaking engagements, such as a public radio/television broadcast, web site broadcast or conference to which he or she was</p>	<p>No changes</p> <p>No changes.</p>	

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	<p>invited as a direct result of his or her position as an employee,</p> <p>(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.</p> <p>(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> <p>15. 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 Hospitality Form to be submitted to Human Resources via the Code of Conduct email (codeofconduct@hamilton.ca) prior to the activity.</p> <p>16. 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 and submitted to Human Resources (codeofconduct@hamilton.ca).</p>	<p>No changes</p> <p>Maintained but moved up to #9 above in the policy.</p>	

