

CODE OF CONDUCT



Niagara Parks Values

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Dear Colleague:

Since 1885, The Niagara Parks Commission (NPC), an agency of the Provincial Government, has carried out its important mission of preserving and enhancing the natural beauty of the Falls and the Niagara River Corridor for the enjoyment of visitors while maintaining self-sufficiency. Our organization has had, and will continue to have, an obligation of serving as the guardian of these public lands.

In June of 2007, NPC adopted the Code of Conduct which was developed in consultation with our Commissioners, employees and other stakeholders. To reflect the provisions of the Public Service of Ontario Act and new directives and policies, the Code of Conduct was updated and re-issued in August of 2010. This Code applies to all of us. It provides a set of standards of conduct or behaviour expected and required of everyone associated with NPC. The Code helps us to understand what we stand for and will guide our behaviour as we work together toward our common vision and goals. It is an important tool that will strengthen our organization and assist us in achieving a culture of integrity. It will serve to maintain and enhance public confidence in all that we do. With this Code and each of us abiding by it, NPC will demonstrate the accountability, ethics and non-partisan behaviour expected.

It is our shared responsibility to become familiar with the Code and other applicable laws and policies. We are all accountable for our actions and behaviours. We expect Commissioners, employees and other associates to be aware of ethical or legal issues and to refrain from engaging in any unethical or illegal activity.

There is a disclosure mechanism for breaches to the Code. If you believe that the principles set forth in the Code of Conduct are being violated, there is an internal mechanism for disclosure. If you become aware of a violation of this Code of Conduct, it is your responsibility to bring the matter to the attention of appropriate persons in the organization. There is no excuse for remaining silent if wrongdoing is being committed. Niagara Parks will protect from retaliation those who come forward with a legitimate disclosure. An ethics program cannot be effective unless persons are willing to come forward and report violations.

The Public Service of Ontario Act and regulations were proclaimed on August 20, 2007. This Act sets out the ethical framework for all public servants. Employees and appointees of The Niagara Parks Commission are public servants under the Act and subject to the provisions of the Act. Under this Act, a disclosure or wrongdoing can be made internally to the Ethics Executives of The Niagara Parks Commission: General Manager for employees and myself for Commissioners. Disclosures can also be made directly to the Integrity Commissioner of Ontario in certain circumstances. The Conflict of Interest and Political Activity rules of the Act and its regulations must be followed. In addition, all new public servants must swear or affirm an Oath of Allegiance and an Oath of Office.

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Both the General Manager and myself have important responsibilities under the Act which include: promotion of ethical conduct, determination of conflict of interest matters, determinations on political activity, investigation of disclosures of wrongdoing and the administration of oaths/affirmations.

The Code of Conduct for The Niagara Parks Commission promotes ethical behaviour and furthers the objectives of the Public Service of Ontario Act.

Please read the enclosed Code of Conduct carefully and make it a part of the way you conduct business at Niagara Parks. I am confident that full compliance with the Code will help create the place of integrity we want The Niagara Parks Commission to be.

Yours truly,

A handwritten signature in cursive script that reads "Janice Thomson".

Janice Thomson,

JT/lc Interim Chair

A. INTRODUCTION

PURPOSE

The purpose of the Code of Conduct is to provide a set of standards describing the behaviour expected and required of everyone associated with The Niagara Parks Commission (NPC). It promotes understanding of what we stand for and how we are expected to conduct ourselves. The Code guides us in recognizing and resolving various issues that we may encounter in conducting the business of NPC.

Consistent with our founding principles, vision and core values, our actions must be in the best interests of The Niagara Parks Commission at all times. We must work as groups and individuals toward our common goals for the good of everyone.

The Code reinforces the application of the Public Service of Ontario Act and its regulations, existing laws, policies of The Niagara Parks Commission and other directives that guide our actions, by emphasizing the key areas of expected behaviour which are consistent with our core values.

This Code applies to everyone associated with The Niagara Parks Commission; no one is exempt. The Chair, Commissioners, and all employees including those on leave, are subject to the provisions of this Code. All representatives including agents, partners, consultants, independent contractors, vendors, suppliers and visitors are also subject to applicable provisions of this Code. This Code also applies to interactions and relationships these individuals/groups may have with each other and any others where NPC is involved. We also encourage our retirees to continue to carry the values and standards of the Code into their retirement and continue to support the vision of Niagara Parks.

Everyone is required to become familiar with this Code and other applicable laws and policies and to understand the consequences of our actions. We are all accountable for our actions and behaviours.

All Commissioners and employees are required to complete training on the Code. This training will be included in the orientation program for all new Commissioners and employees. In addition, managers are required to confirm that all of their employees have completed training. Ethics executives have a responsibility to promote ethical behaviour. One way of doing this is through training and making individuals aware of the Code. Another way is through the taking of Oaths of Office and Allegiance. All new Commissioners and employees are also required under the Public Service of Ontario Act to take these oaths.

This Code is founded on our mandate, mission, vision and values.

OUR MANDATE

The Niagara Parks Commission (NPC) is a Provincial Crown Agency and a corporation incorporated by an Act of the Provincial Legislature of Ontario on the 23rd of April 1887 and continued under the Niagara Parks Act, R.S.O. 1990, Chapter N.3. A Provincial Crown Agency is utilized to implement specific mandates of the Crown when the government wants advice and/or expertise from outside the normal civil service. The government uses a corporate agency mechanism when it considers that there is a need of administrative flexibility and a requirement to promote entrepreneurial opportunity.

Prior to the opening of the original Park, the Commissioners were guided by two general principles which were regarded by the Government of the day as indispensable conditions. The first was that there should be no permanent financial burden on the Province, but that the Parks should become self-supporting. The second was that the Park should, as far as possible, be free to the public. These indispensable conditions continue to guide our operations.

Today, all Crown Agencies in Ontario are classified by the Provincial Government. NPC is classified as an operational enterprise which is one that sells goods and services to the public in a commercial manner (including, but not necessarily, in competition with the private sector). NPC is further categorized by the Ministry of Finance as a Government Business Enterprise which "...maintains its operations and meet(s) its obligations from revenues generated outside of the government reporting entity." The original self-supporting principle continues to be relevant.

According to The Niagara Parks Act, it is the duty of the Commission "...To manage, control and develop the Parks..." (general objects). The Parks are defined as land vested or placed under the control of the Commission including the roads and lands covered with water. The Niagara Parks Act sets out fifteen powers that have been granted to further the general objects to the Commission. The Commission must not engage in activities beyond those authorized by its objects.

OUR MISSION

To protect the natural and cultural heritage along the Niagara River for the enjoyment of visitors while maintaining financial self-sufficiency.

OUR VISION



Ontario's Niagara Parks --- **PRESERVING** a rich heritage, **CONSERVING** natural wonders, **INSPIRING** people, worldwide!

OUR VALUES

RESPECT	We recognize every person's inherent dignity and worth.
INTEGRITY	We are fair and honest in all our communications and actions.
EXCELLENCE	We are committed to achieving best practices in all that we do.
ACCOUNTABILITY	We are responsible for all our decisions and actions.
TEAMWORK	We foster and encourage working individually and collectively towards a shared vision.

To achieve these *Values*:

At Niagara Parks, we are committed to treating our work colleagues, our visitors, our customers, our suppliers and everyone that is associated with our organization with **respect**. Niagara Parks is a place where all persons are treated with dignity, courtesy and fairness. We foster an environment and culture where everyone feels accepted, valued and able to achieve their best.

At Niagara Parks, we value **integrity** where all our actions and communications are lawful, ethical and truthful. We value fairness, credibility and trust. We avoid conflicts of interest. We protect the Commission's assets and use them responsibly. Our communications must be direct, open, honest and timely. We never disclose sensitive or confidential information inappropriately.

At Niagara Parks, we are committed to achieving **excellence**. We take pride in everything we do. We want to achieve best practices in all that we do through quality service, leadership and professionalism. This can be done by applying the best possible skills, knowledge and experience for our visitors. We encourage innovation, new ideas and continuous improvement. We promote an environment that attracts, motivates and recognizes high performance. We value change as opportunity.

At Niagara Parks, we value **accountability** and being responsible for all our decisions and actions. We take ownership of problems and accept personal responsibility. We are guided by our founding principles and stewardship role and are committed to operating in a sustainable and efficient manner for the benefit of our visitors from all over the world.

At Niagara Parks, **teamwork** is critical to our success. We value working cooperatively and harmoniously to achieve our shared vision. We work as groups and individuals toward our common goals in a spirited and selfless manner. We remain flexible and loyal to the Commission, willing to adapt to meet our challenges and opportunities.

B. STANDARDS OF CONDUCT

RESPECT

The Niagara Parks Commission is a place where all persons feel accepted and appreciated and are encouraged to contribute to maintaining a professional, positive and healthy environment. We consistently uphold the equal rights of every person and recognize their inherent dignity and worth.

Behaviour that is inappropriate includes, but is not limited to:

- Any act of harassment, intimidation, discrimination, coercion or physical or verbal abuse of persons associated with or who come in contact with Niagara Parks;
- Abuse of power and position by any person;
- Betrayal of personal and confidential information;
- Discussing the organization and/or another person in a derogatory manner;
- Joke telling and the spreading of gossip at the expense of others;
- Acceptance of information as fact without investigation of all persons and details involved;
- Non-action by either party in resolution of any contravention of these behaviours

We treat each other and visitors to the Parks with courtesy, fairness and dignity.

(Refer to CPM-01-07: Respect, CPM-05-03: Workplace Harassment, CPM-10-15: Workplace Violence and CPM-05-07: Employee Conduct)

ETHICS

The Niagara Parks Commission expects that we act with integrity and honesty in all matters related to The Niagara Parks Commission. Our actions must protect and advance the reputation of the Commission. Doing the right thing in all that we do is always the right choice.

We may not obtain or use any property or services of The Niagara Parks Commission, associates, customers, visitors, vendors, in a manner other than that authorized by the Commission or by federal, provincial or local laws. It is everyone's responsibility to act in an ethical and honest way and build our relationships on trust.

(Refer to CPM-01-02: Commission By-law 1 and By-law 2; CPM-05-07: Employee Conduct and CPM-05-04: Conflict of Interest)

HEALTH, SAFETY AND THE ENVIRONMENT

At The Niagara Parks Commission we will conduct our operations in a way that consistently demonstrates our commitment to the health and safety of our employees, visitors, and all others associated with our organization; and to the protection of the environment. We are all responsible for becoming familiar with environmental, health and safety laws, and the policies and standards established by the Commission.

(Refer to CPM-10-00: Health and Safety Policy and CPM-01-06: Environmental Responsibility, Commission Environmental Mission Statement, July 2000)

EQUAL EMPLOYMENT OPPORTUNITY AND MERIT

The Niagara Parks Commission recognizes that its effectiveness is determined largely by the quality of its workforce. To this end, an impartial and objective recruitment and selection process best ensures the employment of the best qualified and experienced personnel available. All hiring is to be done on a merit basis and equal opportunity without discrimination on the basis of race, creed, colour, age, sex, sexual orientation, religion, marital status, family status, ethnic origin, ancestry, place of origin, disability, citizenship, or record of offences as defined by the Ontario Human Rights Code. This approach applies not only to hiring practices but to all aspects of the employment relationship. It is understood that applicable collective bargaining agreements are to be respected and complied with.

(Refer to CPM-05-12: Employment Policy and CPM-05-16: Re-employment of NPC Retirees)

HARASSMENT AND WORKPLACE VIOLENCE

At NPC we must treat all persons, with whom we do business, with dignity and respect. We do not tolerate:

- personal harassment, including behaviour that demeans, threatens or humiliates a person or group of people;
- sexual, racial or other harassment based on prohibited grounds;
- comments or conduct that ridicule or disparage a group of employees or persons with whom we do business even if they are not directed at a particular individual;
- abusive, threatening, intimidating or violent acts directed at any person we come in contact with when carrying out our responsibilities.

The Niagara Parks Commission will provide its Commissioners, employees and business partners with the highest degree of safety and security to protect them against any type of violence in the workplace.

(Refer to CPM-05-03: Workplace Harassment and CPM-10-15: Workplace Violence)

OFF-DUTY CONDUCT

Wherever we go, we carry our professional responsibility with us. We are all expected to maintain a sense of commitment, loyalty and respect for the Commission, each member of the organization, as well as for our visitors and associates. When discussing business matters, our surroundings must be considered. Conversations in public places should be limited to information that is non-confidential and does not include references that could identify a person or situation. Remember to consider, at all times, what is in the best interests of The Niagara Parks Commission. Promoting attitudes or positions detrimental to the reputation or business of the NPC is not in the best interests of the organization.

(Refer to Freedom of Information and Protection of Privacy Act, CPM-01-02: Commission Bylaw 2, CPM-02-04: Release of Information and CPM-02-10: Collection, Use and Disclosure of Personal Information Relating to Commercial Activities and CPM-05-07: Employee Conduct)

CONFLICTS OF INTEREST

The Niagara Parks Commission expects the highest standard of conduct from its employees and Commissioners.

A conflict of interest is any situation where an individual's intents, activities or interests are incompatible or in conflict with his or her work responsibilities. Avoiding and preventing situations that could give issue to a conflict or the appearance or perception of a conflict is one of the most important ways that NPC remains a trusted organization with the public.

You are in a conflict of interest in any situation where your personal interest interferes, appears to interfere, or could potentially interfere in any way with the interests of NPC. It is expected that private affairs must be arranged in a manner that will prevent real, apparent or potential conflicts of interest from arising. If a conflict does arise between the private interests and the official duties of a Commissioner or employee, the conflict must be resolved in favour of the NPC's interests.

The following are some broad guidelines for avoiding conflicts of interest:

- Base business decisions made for NPC on merit and strictly in the best interests of NPC;
- Derive no personal benefits, whether direct or indirect, as a result of reaching business decisions on behalf of NPC;
- Avoid any situation that may create, or even appear to create a conflict of interest between your personal or external interests and/or affiliations and those of NPC;
- Do not take part in, or in any way influence, any decision that might result in a financial or other advantage for yourself, family members or friends.

There is a duty to notify the respective Ethics Executive if you are in a real, potential or perceived conflict of interest situation. If Commissioners are in doubt concerning a situation or remedy, they should seek guidance from the Chair. Similarly, if employees are in doubt concerning a situation or remedy, they should seek guidance from the General Manager.

Under the Public Service of Ontario Act, NPC Ethics Executives are responsible for answering questions about the application of conflict of interest rules and determining whether a conflict of interest exists. Ethics Executives can also refer matters to the Conflict of Interest Commissioner.

The following situations could present a conflict of interest but are not limited to:

- Sensitive Information
- Gifts and Hospitality
- Political Activity
- Outside Activities
- Use of NPC Assets
- Business Expenses and Financial Accountability
- Procurement of Goods and Services
- Business and Personal Relationships/Use of Position
- Hiring and the Employment Relationship
- Avoidance of Preferential Treatment
- Post-Employment Activity
- Participating in Decision-making

(Refer to CPM-05-04: Conflict of Interest and CPM-01-02: Commission By-law 1 and By-law 2)

SENSITIVE INFORMATION

Sensitive information includes information that is proprietary, strategic, technical, business, financial, or personal, requiring confidentiality. It is owned by, or has been entrusted to, NPC and it must be kept confidential for the following reasons:

- to preserve NPC's competitive advantage or commercial interest;
- to comply with legal, regulatory or contractual obligations;
- to safeguard assets;
- to preserve public safety;
- to preserve individual privacy or safety.

We must know what information must remain in confidence. If in doubt, ask your manager.

As a Commissioner or employee of The Niagara Parks Commission, we will have access to confidential information about the organization. This information must be kept confidential and not shared with others outside of NPC including family and friends, except as required by law. This applies even after you have left NPC's employ. Everyone has a duty to the organization to treat this information responsibly and with discretion and integrity.

The only person(s) authorized to release confidential information to members of the public are the Freedom of Information Co-ordinator, the Chair and the General Manager or designee in accordance with applicable laws.

Within NPC, we must not disclose sensitive information to colleagues unless they need to know the information in order to carry out their responsibilities.

It is everyone's responsibility to ensure that confidential business and personal information is protected in accordance with the Freedom of Information and Protection of Privacy Act. Sensitive information must be protected against theft, loss, destruction, unauthorized access or misuse. If we are aware of any attempt to obtain sensitive information by unauthorized means or misuse of such information, we must advise our manager.

(Refer to Freedom of Information and Protection of Privacy Act, CPM-01-02: Commission Bylaw 2, CPM-02-04: Release of Information and CPM-02-10: Collection, Use and Disclosure of Personal Information Relating to Commercial Activities)

GIFTS AND HOSPITALITY

NPC Commissioners and employees must refuse gifts, hospitality or other benefits that could influence their judgment and performance of official duties. They must not accept, directly or indirectly, any gift, hospitality or other benefits from:

- (a) persons, groups or organizations dealing with NPC;
- (b) clients or other persons to whom they provide services in the course of their work as NPC Commissioners or employees;
- (c) persons, groups or organizations seeking to do business with NPC.

Accepting gifts, hospitality or other benefits may compromise or appear to compromise one's ability to make fair and objective decisions. Gifts having a monetary value such as cash, gift certificates, loans, services and discounts must not be accepted. These requirements do not change during traditional gift giving seasons.

All the same, NPC Commissioners and employees may accept incidental gifts, hospitality or other benefits associated with their official duties and responsibilities if such gifts, hospitality or other benefits are of nominal value and:

- (a) are appropriate, a common expression of courtesy or within the normal and accepted standards of hospitality;
- (b) do not cause suspicion about the objectivity and impartiality of an NPC Commissioner or employee;
- (c) would not compromise the integrity of NPC.

In determining whether to accept a gift or hospitality in the business interests of NPC, one must consider:

- Is the value and the reason for the gift or hospitality appropriate considering the situation, the people involved, your role or function with NPC?
- Will you be reciprocating the gift or hospitality?
- Could it compromise or appear to compromise your ability to make a fair, objective business decision?
- Would you be uncomfortable discussing it with your manager, peers or family?
- Is it compatible with ethical and accepted business practice?
- Is it infrequent?

Commissioners and employees must never offer, ask, give or receive any gift, gratuity, entertainment, hospitality, or benefit that may compromise or appear to compromise their ability to make objective and fair business decisions.

If a Commissioner has a question about whether a gift is incidental or not, he or she is to report the matter to the Chair.

If an employee has a question about whether a gift is incidental or not, he or she is to report the matter to the General Manager in accordance with the policy of the Commission.

At no time should anyone solicit gifts, hospitality and other benefits or transfers of economic value from a person, group or organization that NPC has dealings with.

A public servant who receives a gift which is not incidental or of nominal value is required to notify his/her Ethics Executive. It is also prohibited to accept a gift directly or indirectly in exchange for disclosing confidential information.

(Refer to CPM-05-04: Conflict of Interest and CPM-01-02: Commission By-Law 2)

POLITICAL ACTIVITY

As a private citizen, you may participate in all levels of political activities in non-working hours provided these activities do not interfere or conflict with your duties and obligations as a Commissioner or employee. Your participation must be kept strictly separate from your association with NPC. This includes wearing clothing or accessories identifying NPC when participating in political activities. NPC's supplies, facilities, tools or any other assets must not be used to support political activities. The Public Service Act defines political activity provisions which are applicable to NPC Commissioners and employees.

A person is engaged in political activities when he or she:

- does anything in support of or in opposition to a federal or provincial party;
- does anything in support of or in opposition to a candidate in a federal, provincial or municipal election;
- seeks to become a candidate in a federal, provincial or municipal election; or
- comments publicly and outside the scope of the duties of his or her position on matters that are directly related to those duties and that are dealt with in the positions or policies of a federal or provincial political party or in the positions publicly expressed by a candidate in a federal or provincial election.

No NPC employee or Commissioner shall engage in political activity in the workplace. Political activity is acceptable outside the workplace for employees and Commissioners, but an unpaid political activity leave of absence is required to run for office and certain other activities. For more detailed and complete information, refer to the Public Service of Ontario Act. Board members and employees can also seek advice and guidance from the Chair and General Manager respectively.

(Refer to CPM-01-02: Commission By-law 2 and CPM-05-04: Conflict of Interest)

OUTSIDE ACTIVITIES

Commissioners and employees have the right to choose how to spend their non-working hours. They may choose to work or be active in another organization in addition to NPC, however, the work must not conflict, appear to conflict or potentially conflict with their duty to NPC nor with their ability to perform their duties as an NPC Commissioner or employee.

Both Commissioners and employees shall not engage in any outside interest, work or business undertaking:

- (a) that is likely to result in a conflict of interest;
- (b) that interferes with the individual's ability to perform his or her duties and responsibilities; for example, by placing demands on the individual that are inconsistent with his or her duties or calling into question the individual's ability to perform his or her official duties objectively;
- (c) in which an advantage is derived from his or her employment as a crown employee or appointee;
- (d) in the case of full-time employees, in which the outside work would otherwise constitute full-time employment for another person;
- (e) in a professional capacity that will, or is likely to, influence or affect the carrying out of his or her duties as a crown employee or appointee;
- (f) that involves the use of NPC premises, equipment or supplies;
- (g) that would adversely affect The Niagara Parks Commission.

If Commissioners or employees are in doubt concerning a situation or remedy, they should seek guidance from their Chair or General Manager respectively.

(Refer to CPM-05-04: Conflict of Interest and CPM-01-02: Commission By-law 2)

USE OF NPC ASSETS

NPC's assets must be protected, used properly and used strictly for NPC's purposes. The organization's assets and resources must be protected from theft, destruction, vandalism and neglect. Personal use, misuse, misappropriation or theft of NPC property, resources, equipment, materials and supplies is prohibited. Everyone is individually responsible for the use and protection of Commission assets, equipment and systems assigned or made available to them.

The intellectual property of NPC such as copyrighted information, trademark and logos, patents and trade secrets, must be protected against loss or infringement, and used only for NPC business. Other organization's intellectual property entrusted to NPC must not be misused.

NPC owns the copyright in all works created by its Commissioners and employees in the course of their employment in the absence of any agreement to the contrary. As an owner of copyright in such works, NPC has all the exclusive rights associated with ownership as set out in the Copyright Act, including the exclusive right to give or withhold permission to do certain acts in relation to the works (e.g. photos, written material, etc.).

(Refer to CPM-05-07: Employee Conduct and CPM-05-04: Conflict of Interest)

BUSINESS EXPENSES AND FINANCIAL ACCOUNTABILITY

The Niagara Parks Commission's financial, accounting and other reports and records will accurately and fairly reflect the transactions and financial condition of the Commission in reasonable detail, and in accordance with generally accepted accounting principles, practices, procedures and legal requirements.

No one will authorize payment knowing that any part of the payment will be used for any purpose other than what is described in documents supporting the payment.

Everyone will exercise integrity, prudence and sound judgement when they incur and approve business expenses. They must be reasonable and necessary for business reasons. Expenses incurred in the performance of NPC business will be reimbursed in accordance with Commission policy, through the filing of expense reports, which must be documented accurately and completely.

The financial records of the Commission will be audited annually by the Auditor General in accordance with the Niagara Parks Act and must meet all accountability requirements.

(Refer to the Niagara Parks Act, Agency Establishment and Accountability Directive, CPM-01-02: Commission By-Law 1 and CPM-02-01: Travel, Meal and Hospitality Expenses; Travel, Meal and Hospitality Expenses Directive)

PROCUREMENT OF GOODS AND SERVICES

The procurement of goods and services by The Niagara Parks Commission is to be carried out responsibly and must follow the policies of the Commission. These policies have been updated to reflect the mandatory requirements of the Provincial Procurement Directive and promote increased openness and transparency pertaining to competitive processes. Procurement shall be effectively managed in accordance with generally accepted procurement principles of competition and obtaining value for money. The objective is to supply, at the right time and in the most economical manner, the goods and services needed to meet NPC requirements. Employees involved in the procurement of goods and services must meet all ethical standards and requirements set out in the policies of the Commission. They must behave with impartiality, fairness, independence, openness and integrity with all vendors and suppliers; develop and maintain professional relations and dealings with vendors and suppliers; advance the interests of the NPC in all transactions with vendors and suppliers; and refrain from accepting any gift or service from vendors and suppliers in exchange for business or orders.

Purchasing decisions must be made honestly and with integrity, using such criteria as competitive pricing, quality, quantity, delivery and service. They must not be based on favouritism, prejudice, preferential treatment or personal gain. One must disclose any concerns and refuse involvement in any purchasing decision that could lead to a conflict of interest.

Suppliers, vendors, consultants must be treated courteously, fairly and in a professional manner. They must be informed about NPC's Code of Conduct and given access to the Code. Provisions for compliance must be built into contracts and other procurement instruments. Suppliers, vendors and consultants are expected to abide by the Code of Conduct. We have a responsibility to notify our manager if a supplier, vendor or consultant does not comply with the Code, and we must take appropriate action to ensure compliance.

(Refer to CPM-03-02: Procurement, CPM-03-07: Revenue Generating Opportunities, CPM-08-06: Sponsorships and CPM-11-02: Goods for Resale, and Procurement Directive, July 2009)

BUSINESS AND PERSONAL RELATIONSHIPS/USE OF POSITION

Many of us have an interest in contributing to our communities and professional organizations. However, this participation must not interfere with our duty to NPC.

If you act as a spokesperson for an organization, it must be made clear that you are speaking for the organization or for yourself, and not as the spokesperson or representative of NPC.

As representatives of The Niagara Parks Commission to the outside world, Board members and employees must act responsibly and in a manner that will reflect favourably on the Commission and each of us as individuals. We will carry out our assignments guided by the principles set forth in our vision and values and in compliance with this Code and our corporate policies.

When it is necessary to engage the services of an individual or firm to consult for or represent NPC, employees must avoid the intent or appearance of unethical or compromising conduct in relationships, actions and communications.

Commissioners and employees shall not use or seek to use their positions to:

- a) give direct or indirect benefit for themselves, spouse, partners or children;
- b) solicit or accept economic benefits for any individual, organization or entities known to be seeking business or contracts with NPC;
- c) favour any person, organization or business entity.

Also, as public servants, Commissioners and employees who routinely work on one or more matters that might involve the private sector and who have access to confidential information about the matter obtained during the course of their appointment or employment must make a declaration to their Ethics Executive to disclose a legal or beneficial interest in accordance with the Public Service of Ontario Act. These public servants must not purchase or cause another person to purchase on their behalf a legal or beneficial interest in an entity that is carrying on, or proposes to carry on, an activity relating to a matter that might involve the private sector.

NPC will enter into representation or supplier agreements only with individuals or organizations believed to have a record of and commitment to integrity and meet the requirements of this Code.

Those who may have a personal relationship with a vendor, supplier, consultant, business partner and others contracted to NPC, must adhere to the principles in the Code and keep their personal relationships separate and apart from their respective NPC interests.

NPC will inform all vendors, suppliers, consultants, business partners and others of their responsibility to act on behalf of NPC consistent with the Code and other relevant policies.

(Refer to CPM-03-02: Procurement, CPM-03-07: Revenue Generating Opportunities, CPM-08-06: Sponsorships, and CPM-11-02: Goods for Resale, CPM-05-04: Conflict of Interest, CPM-05-07: Employee Conduct, CPM-02-01: Travel, Meal and Hospitality Expenses and CPM-01-02: Commission By-law 2, Procurement Directive)

HIRING AND THE EMPLOYMENT RELATIONSHIP

As public servants, employees and Commissioners are prohibited from hiring their spouse, child, parent or sibling. They are also prohibited from entering into a contract with their spouse, child, parent or sibling or with a person or entity in which any of them has a substantial interest.

Any public servant who hires a person must ensure that this person does not report to or supervise the work of the person's spouse, child, parent or sibling.

Should a situation arise inadvertently where an employee reports to or supervises the work of his or her spouse, child, parent or sibling, the employee is required to notify his or her Supervisor and/or Ethics Executive as appropriate.

Further, employees and Commissioners must not use their appointment by NPC to directly or indirectly benefit themselves or their spouse or children. They must not allow the prospect of their future appointment by a person or entity to detrimentally affect the performance of their duties to NPC.

(Refer to CPM-05-12: Employment Policy, CPM-05-16: Re-employment of NPC Retirees and CPM-05-04: Conflict of Interest and CPM-01-02: Commission By-law 2)

AVOIDANCE OF PREFERENTIAL TREATMENT

Commissioners and employees in carrying out their duties and responsibilities shall not grant preferential treatment to any person, organization, family member or friend, or to any organization in which the Commissioner, employee, family member or friend has an interest. They must avoid being obligated, or seemingly to be obligated, to any person or organization that might profit from special consideration. They must avoid offering any assistance in dealing with the Commission to any individual or organization where such assistance is outside of their official role. Preferential treatment must be avoided in all hiring and promotion decisions.

(Refer to CPM-05-04: Conflict of Interest and CPM-01-02: Commission By-law 2)

PARTICIPATING IN DECISION-MAKING

Employees and Commissioners cannot participate in decision-making by NPC with respect to matters that they are able to influence in the course of their duties if they could benefit from the decisions. This would not apply if their Ethics Executives had given them prior approval to participate in this decision-making.

Public servants who, in the course of their employment with NPC, are members of a body or group must not participate in or attempt to influence decision-making by the body or group with respect to matters if the public servants could benefit from the decisions or if, as a result of the decisions, the interests of the body or group could conflict with the interests of NPC. An employee or Commissioner must inform the body or group if this situation exists and must refrain from participation.

In all instances where an employee or Commissioner of NPC has a real, potential or perceived conflict of interest relating to his or her duties with a body or group, then the employee or Commissioner must declare the conflict and refrain from participation on this body or group.

Employees and Commissioners are prohibited from participating in decision-making in a body or group during the course of their duties if the decision-making could benefit themselves, their spouse, child, parent or sibling or with a person or entity in which any of them has a substantial interest.

(Refer to CPM-05-04: Conflict of Interest and CPM-01-02: Commission By-law 2)

POST-EMPLOYMENT ACTIVITY

Commissioners and employees and any others directly associated with The Niagara Parks Commission are not restricted from pursuing post-employment or post-appointment activity of their choosing, but they must ensure that their employment after the Commission does not create a conflict of interest.

Any public servant who has entered into a post-employment termination agreement is required to adhere to any provisions of such agreement.

The Ethics Executives shall make any determinations respecting post-employment activities and conflict of interest. If Commissioners have any doubt concerning a situation or remedy, they should seek guidance from the Chair. If employees have any doubt concerning a situation or remedy, they should seek guidance from the General Manager in accordance with the policy of the Commission.

Former public servants are prohibited from seeking preferential treatment by, or privileged access to, public servants at NPC or other Crown public servants.

They must not disclose personal and confidential information obtained during the course of their employment by the Commission to a person or entity unless they are authorized to do so by law or by the Crown. Former public servants must not use personal and confidential information in a business or undertaking.

In addition, former public servants who, when during their employment with NPC, advised NPC about a particular proceeding, negotiation or transaction, must not advise or otherwise assist any public body or any other person or entity in connection with the particular proceeding, negotiation or other transaction until NPC ceases to be involved. However, these public servants may continue to advise or otherwise assist NPC in connection with the particular proceeding, negotiation or other transaction.

(Refer to CPM-05-04: Conflict of Interest and CPM-01-02: Commission By-law 2)

C. INTERNAL DISCLOSURE MECHANISM

The Niagara Parks Commission has developed this Code of Conduct to improve decision making and make NPC a better place to work. This Code will avoid unethical or legal violations and ensures an environment where everyone in the organization feels a greater commitment to the achievement of our mission and vision. However, it should be noted that a Code will not be effective unless Commissioners, employees and others are committed to report violations through an internal disclosure mechanism.

INTERNAL DISCLOSURE

Everyone has an obligation to understand and comply with the provisions of this Code of Conduct. We also have an important responsibility to report any serious wrongdoing, which has been witnessed or we have direct knowledge of, in accordance with the requirements of this Code. Failure to report actual or suspected violations of the Code is itself in contravention of the Code and may subject you to disciplinary action. We must all be committed to doing the right thing and promoting a work environment where we act ethically and comply with applicable laws, regulations and policies.

Niagara Parks has established a safe environment for the reporting of wrongdoing. This framework is referred to as internal disclosure. Anyone disclosing a serious wrongdoing may do so without fear of reprisal provided the disclosure is not frivolous, vexatious or made in bad faith. Retaliation or retribution for filing a legitimate report or for assisting or participating in an investigation of a legitimate disclosure is in violation of this Code and will not be tolerated.

It is expected that all disclosure reports will be made in good faith. Deliberately making false claims will result in disciplinary action or prosecution.

Failing to comply with any provisions of the Code is subject to appropriate disciplinary action, up to and including termination of employment and/or legal action.

Reports of a violation of the Code must be submitted in a timely manner. Basically, infractions should be reported as soon as possible. As a guideline, we would ask that infractions be filed within six (6) months although it is recognized that there may be extenuating circumstances. Section B of the Code outlines the standards of conduct but examples of serious wrongdoing and unethical behaviour include a violation of a statute, regulation or policy of The Niagara Parks Commission, abuse of authority and a serious health, safety or environmental hazard. The absence of a provision in the Code covering a particular situation does not relieve us from the responsibility of acting ethically.

Internal disclosure allows NPC Ethics Executives to quickly address issues including any violation under the Public Service of Ontario Act or under NPC's Code of Conduct and/or Policies/By-laws. NPC Ethics Executives can address issues outside those set out in the Act - for example, an employment issue that is not a grievance or an issue related to a specific NPC policy.

ADVICE AND GUIDANCE RESPECTING CODE ISSUES

In situations where the right course of action is unclear, where you are in doubt or uncertain, where there may be the appearance of a contravention or where more clarification is required, one should first discuss the situation in confidence with your departmental manager if deemed appropriate. Often your Manager/Department Head is in the best position to help you work through a situation. Your Manager/Department Head is responsible for supporting open discussions, working through the questions you have and guiding your access to further assistance as required. Managers/Department Heads have the responsibility of being familiar with the Code and promoting a climate of Code compliance.

If circumstances dictate that you are not able to speak with your Manager/Department Head or you are not satisfied with the advice or direction given or you still have questions, assistance is also available from several NPC directors for subject expertise relating to areas such as human resources, police matters and policy clarification. Through this Code, we all have an obligation to support one another to gain understanding and clarification, work through the disclosure process and achieve Code compliance. The following may be contacted **in confidence** for guidance and clarification respecting a Code violation and expertise in the areas noted:

- Margaret Neubauer Director, Corporate Services and Governance Support
Regulatory matters, policies, confidential information, privacy
(905) 356-2241, ext. 256
- Douglas Kane, Chief of Police
Criminal and police matters
(905) 356-1338, ext. 225
- Dave Morris, Director, Employee Services
Human Resources matters
(905) 353-5413

It is recognized that employees will be going to the members of the Employee Advisory Committee for advice and guidance at this stage. This is understandable as the Committee members helped create the Code. It has to be understood at this point that everyone is subject to the rules of confidentiality. Confidentiality must be preserved between the person making the disclosure and the Committee member.

In the case of Commissioners, the Chair can provide clarification or seek guidance from the Integrity or Conflict of Interest Commissioners.

REPORTING A VIOLATION OF THE CODE OF CONDUCT

To report a violation of the Code a written report must be prepared clearly stating the misconduct and circumstances pertaining to the violation. There must be enough information so that an assessment of the disclosure can determine the best course of action. The report should be signed by the individual disclosing the code violation to enable proper investigation. Once signed, the report must be

submitted, in confidence (in an envelope marked “Personal and Confidential”) to the General Manager, Oak Hall Administration, P.O. Box 150, Niagara Falls, ON L2G 6T2. If the disclosure pertains to the General Manager or a Commissioner, then the signed report will be forwarded to the Chair (same address) or to the Integrity Commissioner if the Chair is the subject of the disclosure.

All reports will be taken seriously and each allegation will be promptly investigated by the General Manager, Chair or a designate such as the Chief of Police in the case of a criminal matter. All investigations will be conducted within 30 days. If the investigation requires a longer time frame then the General Manager or Chair will notify the person making the disclosure.

During the process of addressing disclosures, public servants can choose any person to support them (e.g. bargaining agent, friend, etc.).

In dealing with each disclosure, the General Manager or Chair will first determine if there is an existing mechanism to deal with the violation. For instance, collective agreement violations, human rights accusations or criminal matters will be referred to existing mechanisms. Repetition of a previous accusation which already has been thoroughly investigated will not be re-investigated unless new evidence is presented.

Upon investigation if it has been found that someone has breached or may likely have breached the Code, that person will be informed of the allegations in due course and be provided with the opportunity to respond and where appropriate, to contribute to the remedy of the breach.

A full report will be prepared for each disclosure, and the General Manager or Chair will recommend a remedy or refer the matter to the appropriate authority as deemed necessary to resolve the matter.

Records of the report and investigation, including contents of meetings, interviews, results of investigations and other relevant material, will be maintained in a secure location as determined by the NPC Ethics Executives and managed in accordance with the Freedom of Information and Protection of Privacy Act.

A quarterly statistical report will be prepared on the number and type of disclosures received and how they were handled.

CONFIDENTIALITY AND PRIVACY

The internal disclosure mechanism will need to strike a balance between protecting the identity of the person making the disclosure and ensuring fair treatment of alleged wrongdoers. The framework will ensure that the alleged wrongdoer is treated fairly and the privacy of the person making the disclosure is protected except where the interests of fairness requires that a person’s identity be disclosed to one or more persons. Every disclosure report will be treated as confidential to the extent allowed by law. All proceedings will be kept confidential and limited to those in the organization with a need to know for the purposes of the investigation and appropriate remedy.

It may be necessary for the General Manager or designee to release the name of the person making the disclosure to conclude the investigation. The person making the disclosure should be aware that any action taken by Niagara Parks as a result of the disclosure may require the attendance of the person making the disclosure in a court or tribunal proceeding which will require him or her to give evidence under oath.

Privileges that are already well recognized in law will continue to be respected including solicitor-client privilege and Cabinet privilege.

DISCLOSURE OF WRONGDOING UNDER THE PUBLIC SERVICE OF ONTARIO ACT

Under the Public Service of Ontario Act, Commissioners and employees, as public servants, have the option to disclose directly to the Integrity Commissioner if:

- they believe that it would not be appropriate to disclose internally within their public body, or
- if they have already disclosed internally and believe that the matter has not been appropriately dealt with.

This Act sets out the type of wrongdoing that may be disclosed, summarized as follows:

- a contravention of an Act (federal or provincial) or regulation
- acts or omissions that create a grave danger to life, health or safety of persons, or to the environment.
- gross mismanagement (e.g. gross waste of money, abuse of authority, abuse of public assets).
- directing or counselling a person to commit a wrongdoing listed above.

Disclosures can be made to the Integrity Commissioner in accordance with the Act and Disclosure of Wrongdoing Directive issued by the Management Board of Cabinet.

The Integrity Commissioner may choose not to handle the disclosure and it may be referred back to the NPC Ethics Executives.

Further information about making a disclosure to the Integrity Commissioner under the Public Service of Ontario Act is available through the Office of the Integrity Commissioner. Contact information for the Integrity Commissioner is info@oico.on.ca, 2 Bloor Street East, Suite 700, Toronto, ON M4W 1A8, Telephone: 416-314-1581.

REPORTING TO THE DISCLOSER/ALLEGED WRONGDOER

In accordance with the Public Service of Ontario Act, the Ethics Executive is responsible for informing the discloser how the disclosure was dealt with:

- not accepted;

- accepted but not investigated, or;
- investigation concluded.

Where the disclosure was accepted, the Ethics Executive is also responsible for informing the alleged wrongdoer how the disclosure was dealt with.

The Ethics Executive may also provide such information on the investigation and findings as he/she considers appropriate in the circumstances.

D. PUBLIC SERVICE OF ONTARIO ACT

The Public Service of Ontario Act sets out an ethical framework which impacts NPC employees and Commissioners in four key areas.

1. Oath of Allegiance (loyalty) and Oath of Office (confidentiality)

Oaths of Allegiance

All new NPC employees and appointees at the very beginning of their employment relationship with NPC will be advised of the importance of ethical behaviour and will be required to take an Oath of Allegiance and an Oath of Office. These Oaths which reinforce the ethical role of public servants are being consistently applied across all Provincial ministries and public bodies. The Oaths will be administered by designated NPC staff.

The Oath of Allegiance establishes allegiance to the Crown as the symbol of head of state. There is an exemption to the Oath of Allegiance if the person is not a Canadian citizen and believes that making the Oath could result in the loss of his/her citizenship in another country.

There is no exemption from taking the Oath of Office for new employees and appointees. The Oath of Office establishes:

- Duty of loyalty to the employer
- Duty to comply with all laws
- Obligation to maintain confidentiality (except as required or permitted by law). This continues even after leaving public service.

The exact wording for both Oaths is as follows:

Oath (or affirmation) of Allegiance:

“I swear (or solemnly affirm) that I will be faithful and bear true allegiance to Her Majesty Queen Elizabeth the Second (or the reigning sovereign for the time being), her heirs and successors according to law. So help me God. (Omit this phrase in an affirmation.)”.

Oath (or affirmation) of Office:

“I swear (or solemnly affirm) that I will faithfully discharge my duties as a public servant and will observe and comply with the laws of Canada and Ontario and, except as I may be legally authorized or required, I will not disclose or give to any person any information or document that comes to my knowledge or possession by reason of my being a public servant. So help me God. (Omit this phrase in an affirmation.)”.

The Oaths may be made in either French or English.

2. Conflict of Interest

Under the Act, NPC employees and Commissioners are expected to adhere to the standards of ethical behaviour similar to Provincial Ministries. The conflict of interest rules set out in Ontario Regulation 381/07 apply to NPC employees and Commissioners. This Code has been updated to meet the objectives of the new Act and its regulations.

Current and former public servants are required to advise their Ethics Executive (General Manager for employees/Chair for Commissioners) if they think they have an actual or potential conflict of interest. The Ethics Executive will determine whether a conflict of interest exists and will provide direction if necessary. Employees and appointees are required to follow any direction provided by the Ethics Executive.

3. Political Activity

The Act sets out political activity rights and restrictions for NPC employees and appointees which are reflected in the Code of Conduct.

Employees and appointees are requested to contact their Ethics Executives for direction.

4. Disclosure of Wrongdoing

The Act outlines expectations for ethical behaviour and a process to address behaviour that is not appropriate (wrongdoing). This process is called a disclosure or disclosing a wrongdoing. Anyone who makes a disclosure or who cooperates in an investigation in good faith is protected from reprisal.

Section C of this Code, under Internal Disclosure Mechanism, provides information about disclosure of wrongdoing under the Public Service of Ontario Act.

Compliance with the Public Service of Ontario Act

Nothing in this Code of Conduct is intended to conflict with the Public Service of Ontario Act.

E. CODE MONITORING AND REVIEW

The Code will be given a periodic review at least every five years to ensure that it is relevant, up to date and continues to meet the needs of The Niagara Parks Commission.

F. COPIES AVAILABLE

Copies of the Code of Conduct are available at the Human Resources Department, from Managers and Supervisors and online at the Niagara Parks employee website www.employee.niagaraparks.com and the Niagara Parks main website a www.niagaraparks.com/files/Code-of-Conduct.pdf .

For reference, the Public Service of Ontario Act and its regulations are available on-line at www.e-laws.gov.on.ca.