

Corporate Report

Date of Report: Nov 22, 2019

Date of Meeting: Dec 10, 2019

Report Number: 2019-PAC-019

File: 2019BOARD1210

Subject: Performing Arts Centre – Human Resource Policies

Recommendation

That the Board approve the Human Resource Code of Conduct Policy and Hiring Policy for the FirstOntario Performing Arts Centre (PAC); and

That the Board receive for information the list of all current City Human Resource policies that the PAC will adhere to.

Background

The PAC has been operating as a department of the City of St. Catharines with all staff employed by the City. As of January 1st, 2020, the Board will be the sole employer of each employee of the PAC business. It is a requirement of the Municipal Act, 2001, S.O. 2001, c. 25, for the employer to adopt and maintain policies with respect to Code of Conduct and Hiring.

Report

Attached are the Code of Conduct and Hiring policies for the PAC Board to approve prior to January 1, 2020 (Appendix 1 and 2). They match the original City policies with levels of authority revised for PAC to operate as its own entity.

Appendix 3 is a list of all City HR policies to be reviewed in the transition year. In the absence of a policy, PAC will continue to follow the applicable City policy.

Financial Implications


Not applicable.

Conclusion

Approving the Code of Conduct and Hiring policies are legally required prior to the employees being transitioned from the City to the PAC. A list of City policies that are applicable to the PAC are also attached. Revisions to policies will be made as required.

Prepared by: Carlos Robayo, Administrative Supervisor

Approved by: David Oakes, Acting Executive Director

 FirstOntario PERFORMING ARTS CENTRE	FIRST ONTARIO PERFORMING ARTS CENTRE BOARD - HUMAN RESOURCES		
	Subject:	Code of Conduct	Policy #:
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Policy:


To establish standards of ethical conduct for employees of the FirstOntario Performing Arts Centre ("the PAC") in the delivery of programs and services to the public at large and to ensure the protection and appropriate use of all its resources and assets.

Purpose:

To clarify and formalize the expectations of PAC's employees and affirm the commitment to community needs while maintaining fiscal responsibility.

Scope:

This policy applies to all employee conduct involved in the course of delivering programs and services to the public at large and while off duty when identifying themselves as a representative of PAC.

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Procedures

Introduction:

As an Employer, the FirstOntario Performing Arts Centre (“the PAC”) is committed to:

- delivering excellent quality services and programs to the public at large;
- maintaining and enhancing public confidence and trust;
- maintaining fiscal responsibility; and
- providing services and programs with integrity, objectivity, impartiality and respect to the public at large.

Definitions

Corporate Conflict


A corporate conflict occurs when, in the course of an employee’s duties, the employee is called upon to deal with, or has been involved in, a matter in which the employee has a direct or indirect personal interest. A conflict arises when any employee participates in activities that advance a personal interest.

Direct Interest

A direct interest arises when an employee may derive or be seen to derive some personal benefit or avoidance of personal loss. These interests are generally financial in nature but are not limited to such.

Indirect Interest

An indirect interest arises when the potential benefit or loss would be experienced by another person or corporation having a relationship with the employee. These interests are generally financial in nature but are not limited to such.

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Application:

Roles and Responsibilities

Manager/Supervisor

It is the responsibility of the Manager/Supervisor to:

- provide training to employees on this policy and ensure employees comply with the intent of the policy;
- ensure the establishment and monitoring of adequate systems, procedures and controls to prevent and detect fraud, breach of trust, and other forms of wrongdoing;
- seek the advice of the Executive Director, in the instance of a suspected wrongdoing, who will subsequently notify the Board where appropriate, prior to action being taken; and
- ensure that each suspected wrongdoing is investigated and dealt with firmly and fairly with all employees regardless of their position or length of service.

Employee


It is the responsibility of the Employee to:

- follow the highest standards of ethical behaviour in the course of their work to ensure that public confidence and trust is maintained;
- understand and comply with this policy, all related Corporate policies and any applicable laws, regulations, government guidelines and internal controls;
- address any situations of existing or potential non-compliance. Any suspected fraud, breach of trust, and other wrongdoing shall immediately be reported to their Manager/Supervisor or Executive Director. If the employee suspects wrongdoing of a Manager/Supervisor, the employee shall report it to the Executive Director; and
- seek clarification from a Manager/Supervisor or Executive Director when in doubt about the interpretation or application of the Code of Conduct.

Principles of Conduct

All employees of the PAC shall:

- act as an ambassador for PAC and not engage in activities during or outside of work hours which could harm the reputation of PAC;
- conduct themselves in integrity, the highest degree of ethical behavior and not engage in conduct that is considered contrary to community standards of justice, honesty or ethics;
- conduct themselves in a professional, courteous and objective manner in all interactions with clients, community agencies, contractors, suppliers and the public on a daily basis;
- portray a professional image; and

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- act in a respectful, professional and courteous manner with their co-workers and resolve any conflict in a reasonable manner.

All employees of the PAC shall not:

- conduct external business activities that compete with the PAC's services;
- engage in any business or transaction or have a financial or other personal interest that is incompatible with the discharge of the employee's duties, or corporate interests;
- perform work, with or without compensation, for a company or organization while at work or when being paid by the PAC without prior authorization;
- be under an obligation to any person who might benefit from special consideration or favour from the employee or who might seek, in any way, preferential treatment;
- give preferential treatment to relatives, friends, business associates or to organizations in which relatives, friends or business associates have an interest, financial or otherwise;
- deal with an application to the PAC for a loan, grant, award or other benefit which involves themselves or immediate relatives or be in a position where the employee could derive any direct or indirect benefit or interest from any contracts about which the employee can influence decisions;
- benefit from the use of information acquired during the course of duties that is not generally available to the public;
- engage in any outside work, activity or business undertaking that interferes or appears to interfere with the employee's duties, gives or appears to give the employee an advantage derived from employment at the PAC or might appear to influence or affect the carrying out of duties as a PAC employee;
- use PAC property, equipment, supplies or services for activities not associated with the discharge of PAC business; or
- conduct themselves in a manner to discredit the PAC either during the course of their work or off duty.

Use of PAC Property and Assets

- Employees shall not make use of any property or assets of the PAC for their personal gain. In addition, employees are accountable for ensuring that any PAC property (including and not limited to cash, cheques, valuable documents, inventories and equipment) in their care as part of their job duties, is properly secured and protected at all times.
- Employees shall use the PAC's property for activities associated with the discharge of their duties. Information technology, such as computers and internet, electronic and voice mail, phones including cellular etc. are provided only for PAC business and sponsored activities.

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Employees may, from time to time, (i.e. lunch breaks/rest breaks) use the PAC's computers and phones including cellular to access personal information within the scope of this policy and any other PAC policies at no cost to the PAC.

- No employee shall sell, transfer, publish, disclose, display or otherwise make available computer programs, purchased software programs, technological innovations or other intangible property or rights owned or used by the PAC. All such property or rights and any printed or computer records prepared by an employee in performing their duties shall remain the exclusive property of the PAC.
- Use of the PAC's information technology, such as electronic mail and internet to send defamatory, obscene, offensive or harassing messages or messages that disclose personal information is prohibited. Employees in receipt of this type of electronic mail should delete it immediately and not forward to others. Further reference should be made to any other applicable Corporate policies relating to use of information technology and website content.
- Upon termination of employment, employees shall deliver to the PAC all correspondence, drawings, documents and all other property belonging to the PAC, which may be in the employee's possession or control. This includes property made, or prepared by the employee and relating in any way to the affairs of the PAC.

Drug and Alcohol Abuse


Drug and alcohol abuse can threaten the safety of employees and the public. The PAC has zero tolerance for employees using, possessing or being under the influence of alcohol, narcotics, or non-medical drugs while in the service of the PAC. Appropriate action shall be taken based on the circumstance and in consultation with the Executive Director/Manager.

Gifts and Entertainment

Employees shall make decisions based on an impartial and objective assessment of each situation, free from the influence of gifts, favours, hospitality or entertainment. The PAC shall avoid both the reality and the appearance of impropriety with the organizations or individuals with whom it deals.

Customary business amenities may be accepted or given only if they are consistent with accepted business practices. It is recognized that this type of activity is generally accepted within strict limits as a part of some business relationships. An employee may accept customary business amenities provided:

- the expenses involved are at a reasonable level;
- they are infrequent and appropriate to the responsibilities of the individual;
- they can clearly be seen as legitimately serving a definite business purpose; and/or

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- they are within the limits of reciprocation.

Corporate Conflict Disclosure

An employee shall make prompt and full disclosure in writing to their Manager/Supervisor of any actual or potential corporate conflict, including:

- a description of the corporate conflict;
- the nature of the direct or indirect personal interest; and
- identify any persons or corporations in which there is a personal interest.

Upon receiving disclosure of a corporate conflict, the Manager/Supervisor shall consult with the Executive Director. The acting authority shall take reasonable steps to ensure the employee is removed from the corporate conflict situation.


Employees are expected to use sound judgment and Code of Conduct guidelines in a proactive fashion in order to maintain the public's trust in the PAC's objectivity and integrity. Failure to disclose conflicts of interest shall be treated as a serious matter.

Reporting and Investigating Corporate Conflicts

- If an employee has knowledge of any wrongdoing or fraudulent behavior that is in violation or appears to be in violation of this Code of Conduct policy, the employee shall immediately report the matter to their Manager/Supervisor or Executive Director. If the employee suspects wrongdoing of a Manager/Supervisor, the employee shall report it to the Executive Director. Failure to report violations or suspected violations of the policy shall be treated as a serious matter.
- The Manager/Supervisor shall immediately seek the advice of the Executive Director for further direction.
- Executive Director shall commence an investigation as quickly as possible. Depending on the nature of the situation a determination shall be made as to whether an internal or external investigating officer will be assigned.
- An employee under investigation for suspected wrongdoing or fraud may be removed from the workplace with or without pay, or be re-assigned to other duties pending completion of the investigation.

Confidentiality

The Investigation Officer shall reinforce the requirement of maintaining confidentiality to the employee reporting the incident, witnesses and anyone else involved in the investigation. The maintaining of

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confidentiality is required both during and after the investigation process in order to preserve integrity and the privacy of those involved.


The PAC recognizes the sensitive nature and shall keep all incidents confidential, where it is reasonable. The Executive Director shall only release information as is necessary to investigate and respond to the situation or if so required by law.

Protection from Retaliation

The PAC shall not tolerate retaliations, taunts or threats against anyone who reports wrongdoings, fraudulent behavior or suspected violations under this policy. Any employee who taunts, retaliates against or threatens anyone involved in reporting or the investigation may be subject to discipline up to and including termination.

Compliance:

Any violation of this policy may result in disciplinary action up to and including termination.

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Policy:


To recruit and select qualified candidates for vacant positions.

Purpose:

The purpose of this policy is to deliver hiring processes that are fair, equitable, open and transparent, and create a qualified workforce that is representative of the diversity of the FirstOntario Performing Arts Centre (PAC).

Scope:

The policy applies to the recruitment and selection of all approved vacancies.

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Procedures

Introduction:

The FirstOntario Performing Arts Centre (“the PAC”) is a community made up of diverse citizens, each contributing to the community as a whole. In recognition of this, and of the dignity and worth of every person, the Board believes that the PAC is best served by a staff that reflects its communities.

The PAC is committed to the provisions of the Ontario Human Rights Code, and to all Provincial and Federal Legislation. Employees are required to comply with the Hiring Policy in order to achieve representative hiring and promotion within the provisions of the Board’s resolutions and the collective agreements, and in order to achieve a work environment free of harassment and discrimination arising from an individual’s gender, racial/ethnic origin, or disability.


Application:

Guiding Principles:

- The process for filling job vacancies will be fair, equitable, open and transparent.
- The PAC is best served by a public service that reflects its communities.
- Collective agreements, legal requirements of employment and PAC policies, procedures and guidelines will be followed in all steps of the hiring process.
- Hiring and promotion will be based on required skills and qualifications.

Responsibility:

- The Executive Director/Manager is responsible for developing staffing policies and guidelines, establishing the hiring process and monitoring that all hiring activity complies with the policies and procedures.
- Managers are accountable for adherence to the staffing policies, collective agreements and legal requirements of employment, as well as the hiring decisions.
- The Human Resource Representative is responsible for conducting the recruitment process for qualified applicants, contacting interview candidates, and developing selection criteria with input from hiring managers.
- Managers are responsible for conducting interviews with the assistance of the Human Resource Representative, evaluating candidates against established criteria, consulting with on final selection and selecting the successful candidate.
- The Human Resource Representative is responsible for advising hiring managers on final selection, completing reference checks, providing feedback to hiring managers, and extending job offers to successful candidates.
- The Human Resource Representative ensures that the hiring manager and interview panel members are well versed, trained and experienced to conduct the hiring process in a fair and equitable manner in accordance with relevant collective agreements, policies, procedures and guidelines.

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- It is the responsibility of hiring managers and staff to disclose if they have a conflict of interest related to the recruitment process or the hiring of staff.
- If a relative of any existing PAC employee is considered for hiring, the circumstances are to be reviewed and action taken to ensure a conflict of interest does not apply.

Hiring Approval:

- The hiring manager, after consultation with the Executive Director, initiates the hiring process, preparing and submitting a recruitment requisition for budget approval.
- The hiring manager will confirm that sufficient budget and a position, as applicable, are available to fill the vacancy and forward a signed recruitment requisition to the Executive Director.

Recruitment:


- The PAC will accept applications for employment opportunities advertised only during active recruitment periods.
- Applications (internal and external) will only be retained on file for the period of recruitment and applicants are required to re-submit for each advertised position.
- Candidates who are interested in submitting a resume to the PAC must apply to job postings. Unsolicited resumes are not accepted.

Screening:

- Screening criteria are established from the job qualifications relating to experience, education and occupational certification as required in the job description.
- Screening is completed in accordance with the selection criteria developed for job applicants.
- Screening criteria are consistently applied against each application.

Assessments:

- An assessment may include an interview and a practical test, and/or a written test. The following qualifications may be assessed: skills, knowledge, ability, aptitude, experience, and equivalent experience and education as identified in the job description/job posting.
- The hiring manager reviews all assessment tools, to ensure that they are fair, equitable, objective, and based on the bona fide occupational requirements.
- Interview panels consist of a minimum of two staff, one being the hiring manager, and any other panel members deemed beneficial to the process.
- In some instances additional interviews will form part of the recruitment process to select the successful candidate.

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References:

- The Human Resource Representative or the hiring manger will collect all potential reference lists from applicants.
- The Human Resource Representative will conduct reference checks and consult with hiring manager.

Offers:

- The hiring manager will make all offers of employment to successful candidates.
- The Human Resource Representative will disengage unsuccessful candidates.
- Hiring managers will have the option of informing unsuccessful internal applicants.

Documentation:

- Hiring files are established for each hiring process.
- All hiring documentation is retained in the hiring file.

Administration:

- The Human Resource Representative will prepare documentation for the successful candidate.
- All files and documentation pertaining to recruitment and selection are submitted to the Human Resource Representative once the offer of employment has been accepted, and stored in accordance with the Records and Retention By-Law.

Verification of Education, Certification(s) and License(s):

As a condition of employment and prior to attending orientation, a successful candidate must provide their original documentation, a copy to be made of all degrees, diplomas, licenses, and other supporting relevant documents which they claim to hold. These copies are maintained in the employee's Human Resources file. A Driver's Abstract will be run by Human Resource Representative for those employees requiring a valid driver's license. It is the responsibility of the employee to immediately notify their Manager/Supervisor if their license status changes to unlicensed / suspended or other status impacting their ability to fulfill their obligation of being able to drive (failure to do so will result in disciplinary action).

Corporate General Orientation and Documentation:

A new hire will be provided with an orientation as part of the PAC's onboarding process.

Compliance:

Any violation of this policy may result in disciplinary action up to and including termination.

Appendix 3

City Human Resources Policies

#	Policy Title
1	Absence and Medical Documentation Policy with ISR Form HR 01-07
2	Accessible Customer Service ACAO-01-09
3	Accident Investigation HR-02-03
4	Alternative Work Arrangements HR 01-25
5	Attendance Support Management Program (ASMP) HR-01-06
6	Automated Defibrillator HR 02-26
7	Bicycle Parking Policy HR-01-12
8	Bodily Fluids Policy HR 02-18
9	Bomb Threat Response Guideline HR 02-2
10	City-Supported Volunteerism Policy with Application HR 01-27
11	Closure Policy HR 01-10
12	Code of Conduct HR-01-01
13	Collision Management Policy HR-02-25
14	Corporate Policy Title Page
15	Designated Substances HR 02-04
16	Dress Code Policy and Guidelines HR-01-02 2013
17	Driver & Equipment Operator Guidelines 2013
18	Emergency or Pandemic Events Policy HR-01-11 2009
19	Ergonomics Policy HR 02-02
20	First Aid Policy HR-02-17 2013
21	Fit for Work Policy HR 01-21
22	Hazard Reporting Policy HR 02-36
23	Healthy Workplace Statement HR 02 01
24	Hiring Policy HR 01-19 2018
25	Housekeeping Policy HR-02-22 2014
26	Job Shadowing Policy with Application HR 01-26
27	Ladder Safety Policy HR 02-12
28	Lockout Tagout Policy HR-02-20
29	Media Relations Policy HR-01-14 2012
30	Ministry of Labour Inspection HR-02-24
31	Mobile Phone Policy HR-02-16 2014
32	Near Miss Policy HR 02-31 2014
33	Off Road Vehicle HR 02-09
34	Personal Protective Equipment HR-02-19 Eric
35	Pregnancy and Parental Leave for Members of Council HR 01-28
36	Progressive Discipline Policy HR-01-09 2008
37	Removable Media Acceptable Use Policy HR 01-29
38	Respect in Workplace HR 01-04
39	Seatbelt Policy HR 02-07 2014
40	Security Identification Badges HR-01-18 2012

Appendix 3

41	Sharps Control Policy HR-02-23
42	Spills Response Policy HR 02-29 with flow chart
43	Staff-Council Relations Policy
44	Training and Development HR-01-05 2007
45	Use of Information Technology HR 01-03
46	Vacation and Leave Policy - Full time (EX) employees HR-01-08
47	Video Surveillance Policy HR-01-17
48	Volunteer Management Policy 01-23
49	Website Content Policy HR-01-15
50	Whistle Blower Protection HR 01-24
51	Work Alone Policy HR-02-06
52	Work Refusal HR-02-30 (2)
53	Working Alone Risk Assessment FORM HR-02-06
54	Workplace Hazardous Material Information System (WHMIS) Policy HR-02-08