

TYPE:	Employment Related
TITLE:	Employee Code of Conduct
NO.:	EMPL-317
RESPONSIBILITY:	Chief Administrative Officer
APPROVED BY:	Durham College Leadership Team
EFFECTIVE DATE:	October 2016
REVISED DATE(S):	January 2018
REVIEW DATE:	October 2020

1. Introduction

- 1.1. Each employee is accountable to support the Durham College mission, vision and values.
- 1.2. Employees will work together to achieve the highest possible standards to foster and maintain public trust and confidence in the integrity and professionalism of the College.
- 1.3. For the purpose of this policy, employees shall also include contractors, consultants, volunteers and/or student employees.

2. Purpose

- 2.1. The employee Code of Conduct is intended to provide clarity for employees on the standards of integrity and professional conduct. This policy cannot address every situation that employees may encounter. For this reason, this policy does not relieve employees of the responsibility and accountability to exercise good judgment and in circumstances where they are unsure as to the proper course of action, to seek guidance from others.

3. Definitions

Refer to [Durham College's Standard Definitions](#).

4. Policy statements

- 4.1. An employee's conduct shall not impede or prevent others from carrying out their duties.
- 4.2. All employees will:
 - a) Be informed of and adhere to College policies and procedures;
 - b) Act in accordance with the College values of integrity and transparency, respect, equal access and diversity, personal and team accountability and collaboration;

- c) Provide exceptional customer service to students, clients, and colleagues;
- d) Participate in the relevant performance evaluation process;
- e) Promote and support a healthy and safe work environment, this includes reporting to work fit for duty and able to perform job duties safely and effectively in accordance with the College's guidelines;
- f) Adhere to professional codes of conduct, where applicable;
- g) Act in accordance with College decisions;
- h) Take reasonable steps to protect confidential information in accordance with the Freedom of Information and Protection of Privacy policy and procedure;
- i) Act with integrity including giving due credit to the contribution of others;
- j) Maintain professional skills and knowledge and keep up-to-date in respective areas of expertise;
- k) Utilize good judgment in avoiding or dealing with conflicts of interest in accordance with the College Conflict of Interest policy and procedure;
- l) Present themselves in a professional manner including appropriate dress and personal appearance in keeping with the nature of the work they perform and the public image of the College;
- m) Not make public disparaging remarks about colleagues, students, and/or the employer, including through the use of social media; and
- n) Not use College property or assets for anything other than legitimate College business purposes.

4.3. All supervisors must personally comply with and ensure that employees are aware of and act in compliance with the employee Code of Conduct and related policies.

5. Procedure

This section is not applicable.

6. Roles and responsibilities

6.1. This policy applies to all Durham College employees during the course of employment and/or agreement with the College. All College interactions, activities and functions taking place on College premises as well as off-campus activities are covered by this policy.

- 6.2. The Code of Conduct works in conjunction with relevant legislation and does not exclude or replace the rights and obligations of any individual under provincial or federal law, including those of other countries when traveling out-of-country on College business.
- 6.3. Nothing in this policy is intended to prevent an employee from using the grievance procedure available in the collective agreement, if applicable.
- 6.4. It is critical that managers ensure that contractors, consultants, volunteers and student employees understand the College values and expectations regarding conduct during the course of their contract with the College.

7. Accessibility for Ontarians with Disabilities Act considerations

Accessibility for Ontarians with Disabilities Act (AODA) standards have been considered in the development of this policy and procedure and it adheres to the principles outlined in the College's commitment to accessibility as demonstrated by the Accessibility Plan (ADMIN-203).

8. Non-compliance implications

- 8.1. An employee who demonstrates behaviour that does not comply or is inconsistent with the standards of professionalism contained in this document may be subject to disciplinary action.
- 8.2. Failure to comply with this policy could result in reputational damage, legal action and/or financial loss

9. Communications plan

- 9.1. The Chief Administrative Officer will send an email to all employees annually to remind individuals of the expectations regarding employee conduct. Reference to the Code of Conduct will be included in employment agreements and performance management documentation.
- 9.2. Managers are responsible for communicating the Code of Conduct to consultants, contractors, volunteers, and student employees for their respective areas.
- 9.3. The Code of Conduct will be reviewed during employee orientation.
- 9.4. The Code of Conduct will be posted on ICE and on the Durham College website.

10. Related forms, legislation or external resources

- Accessibility for Ontarians with Disabilities Act
- Collective Agreements
- Ontario Human Rights Code
- Ontario Occupational Health and Safety Act

Fit for Duty Guidelines

PURPOSE

1. The purpose of this Guideline is to confirm Fit for Duty requirements of employees in the performance of their work, to outline employee and supervisor responsibilities surrounding impairment in the workplace, and to summarize the College's commitment to assist and accommodate employees who seek support. The College's commitment is to respect the dignity and privacy of all its members and places priority on harm reduction, support, as well as treatment and accommodation.
2. This Guideline will be interpreted in accordance with all applicable laws, including but not limited to, the Ontario *Human Rights Code*, the *Occupational Health and Safety Act*, and any applicable collective agreement or employment contract. Further, the terms of this Guideline are in addition to any legislative, regulatory, licensing, or other applicable legal requirements.

DEFINITIONS

1. For the purposes of this Guideline the following definitions apply:

“Duty and/or duties” An action or task required by a person's position, occupation or job function at the College.

“Employee” Any person employed by the College on a full-time or part-time, permanent or temporary contract basis.

“Fit for Duty” The ability to safely perform duties without any limitations or adverse effects resulting from, but not limited to: the use or after-effects of illegal drugs, alcohol, cannabis, and/or medications; the misuse of and/or failure to take prescribed medications; and/or fatigue.

“Intoxicant” Any substance, whether a substance identified by the *Controlled Drug and Substances Act*, SC 1996 c 19, an illegal substance or a non-prescription substance, which has the effect of intoxicating its user and/or altering an employee's ability to perform assigned duties. This includes, but is not limited to, alcohol, opiates, hallucinogens and cannabinoids (e.g. cannabis). It also includes Medication (as defined below).

“Medication” Any Intoxicant (defined above) that has been legally obtained with a physician or nurse practitioner's prescription, or purchased as an over-the-counter medication (including medical cannabis).

“Substance Dependency” The use of drugs and/or alcohol that may lead to impairment physiological and psychological symptoms. It includes substances such as cannabis, alcohol, illegal drugs, medically prescribed prescription drugs, illegally obtained prescription drugs, over-the-counter pharmaceuticals, inhalants, and solvents.

“Supervisor” is a person having either charge of a workplace or area, or authority over a worker or workers.

“College” means Durham College of Applied Arts and Technology (D.C.)

“Workplace” Any site at which an employee is performing duties related to employment with the College, including on campus and any other place an employee is conducting business, providing service, or making decisions on behalf of the college.

SCOPE AND AUTHORITY

1. These procedures apply to all employees of the College.
2. The AVP Human Resources is responsible for overseeing the implementation, administration and interpretation of this Guideline.

EMPLOYEE RESPONSIBILITIES

1. All employees are required to arrive to work Fit for Duty and be able to perform their duties safely and to standard; employees must remain Fit for Duty for the duration of their work period (including employees working remotely).
2. Employees are prohibited from using distributing, manufacturing, offering or selling an Intoxicant in the workplace.
3. In the event an Employee is not Fit for Duty, the employee has a responsibility to notify their Supervisor or designate immediately. For clarity, this may include the following:
 - 3.1. Disclosure of using or being under the influence of an Intoxicant.
 - 3.2. Disclosure of using or being under the influence of a Medication that could impact their Fit for Duty.
 - 3.3. Disclosure of a disability relating to an Intoxicant which could reasonably be expected to impact the employee’s abilities to remain Fit for Duty.

4. Where an Employee has reason to believe that another Employee is not Fit for Duty and there is a health and safety concern, they should advise their Supervisor, or designate. Where there is no Supervisor available, they should contact Campus Safety through calling the Security desk at ext. 2400.
5. An Employee who discloses their use of an Intoxicant under this Guideline may be asked to work with Human Resources to develop an accommodation plan or in some cases to leave work.
6. An Employee is expected to cooperate with any investigation or other measures, such as accommodations, undertaken with respect to this Guideline

SUPERVISOR RESPONSIBILITIES

1. Communicate the need for employees to be Fit for Duty and provide resources and support to employees who have questions about this Guideline.
2. Provide vigilant early and regular identification and management of performance and of any suspected lack of Fit for Duty situations.
3. Encourage employees to disclose any conditions or concerns that may impair their job performance or impact their Fit for Duty.
4. Identify and address any situation where an employee appears not to be Fit for Duty.
5. Ensure that the Employee is safe and other employees are safe.
6. Determine if duties must be stopped immediately, and tasks reassigned to another employee.
7. Any Intoxicant found in the workplace which the Supervisor reasonably believes is or may be illegal is required to be brought to the attention of Security at ext. 2400.

ACCOMMODATION

1. The College will accommodate an Employee who discloses a disability up to the point of undue hardship in accordance with the Ontario Human Rights Code.
2. Accommodation will be coordinated by Human Resources.
3. Accommodation is based on the provision of appropriate supporting medical documentation and is subject to any applicable collective agreements.
4. All medical information shall be kept confidential, unless otherwise authorized by law.

5. Modification to an Employee's duties or removal of an employee from their current position may be necessary while accommodation needs are assessed and while reasonable measures of accommodation can be arranged and implemented.
6. Access to the Employee Assistance Program (EAP) will be promoted, and in cases where access to the EAP does not already exist, will be provided as needed.