



STAFF REPORT ACTION REQUIRED

18.

Ethical Framework for Library Staff

Date:	February 22, 2016
To:	Toronto Public Library Board
From:	City Librarian

SUMMARY

The purpose of this report is to present for the Toronto Public Library Board's approval an ethical framework for staff which features a revised Employee Code of Ethics supported by revised ethical policies – the Conflict of Interest Policy, the Political Activity Policy and the Disclosure of Wrongdoing and Reprisal Protection Policy – which are based on the City's Public Service By-law. These three policies will replace four of TPL's current policies and align the Library with the City's ethical framework.

The Employee Code of Ethics enshrines the core public sector values of: Integrity, Accountability, Equity, Diversity, Inclusion, Innovation and Service Orientation. The Code also entrenches the core library principle of Intellectual Freedom. These values and principles serve as a framework for ethical conduct and decision making.

The revised Conflict of Interest Policy will ensure that employees continue to place the public interest ahead of their private interest. The Political Activity Policy maintains the political neutrality of the Library by placing limits on the partisan political activities of all staff while performing their duties, with additional restrictions on senior executives. The revised Disclosure of Wrongdoing and Reprisal Protection Policy provides safeguards against fraud and offers whistleblower protection.

The Employee Code of Ethics works together with the Library's policy framework to set out the Library's expectations for staff. Once approved, the Code will support the Library's strategic and service goals by creating awareness of the Library's service values and expectations for ethical behaviour included in key library policies and procedures. The Employee Code of Ethics was developed in consultation with an Employee Code of Ethics Review Task Group comprising of library management and staff, including representation from the Toronto Public Library Workers Union, Local 4948, and has been thoroughly reviewed by City Legal.

RECOMMENDATIONS

The City Librarian recommends that the Toronto Public Library Board:

1. approves the Employee Code of Ethics (Attachment 1);
2. approves an amended Conflict of Interest Policy (Attachment 2);
3. approves an amended Employee Participation in Municipal Election Campaigns Policy and renames the policy as the Political Activity Policy (Attachment 3); and
4. approves amendments to and merger of the Fraud and Other Similar Irregularities Policy and Whistle Blower Protection Policy and renames the merged policy as the Disclosure of Wrongdoing and Reprisal Protection Policy (Attachment 4).

FINANCIAL IMPACT

There are no financial implications beyond the approved operating budget.

The Director Finance & Treasurer has reviewed this financial impact statement and is in agreement with it.

DECISION HISTORY

The Library Board has approved four main ethical policies. The Employee Participation in Municipal Election Campaigns Policy was approved on October 2, 2000. The Conflict of Interest Policy was approved on June 25, 2001. The Fraud and Other Similar Irregularities Policy was approved on October 29, 2001. The Whistleblower Protection Policy was approved on June 25, 2012.

At its June 10, 11, 12 and 13, 2014 meeting, City Council moved to “request the Toronto Police Services Board and the Toronto Library Board to review their ethical policies pertaining to conflict of interest, political activity and the disclosure of wrongdoing and reprisal protection, and adopt provisions consistent with the City of Toronto.”

ISSUE BACKGROUND

Alignment with the City of Toronto Public Service By-Law

The City has formalized its ethical framework through the recently approved City of Toronto Public Service By-law, and has requested that the Library review its policies related to conflict of interest, political activity, and the disclosure of wrongdoing and reprisal protection. The by-law supports a strong ethical culture across the public service by setting out the values and the distinct roles that public servants play in the effective functioning of Toronto’s government, and provides a framework to support professionalism, impartiality and ethical behaviour.

The Library has Conflict of Interest, Employee Participation in Municipal Election Campaigns, Whistleblower Protection and Fraud and Other Similar Irregularities policies, which were based primarily on corresponding City of Toronto policies.

Current Employee Code of Ethics

The Library's existing Employee Code of Ethics primarily focuses on staff's use of library collections. This Code was developed as an administrative policy. Since the Code was developed, the Library's role has evolved. The way in which customers and staff interact with the Library and its resources now includes a broader range of programs, services and activities, as well as different collection formats, including electronic resources. The need to share information and ideas from diverse sources is more important in complex global society. The revised Code recognizes the public's expectations for ethical behaviour from all staff as public servants and also the expectation that librarians, like other professionals, will have a statement of ethical standards.

COMMENTS

Employee Code of Ethics

The revised Code was developed by an Employee Code of Ethics Review Task Group, with representation from staff across the organization and Toronto Public Library Workers Union Local 4948. The Task Group has led the revisions of the Code, first by completing an environmental scan of key elements and provisions of codes from the broader public sector, and then by providing ongoing input into the development of the Code and supporting an extensive Library-wide consultation on the Code.

The consultation strategy included online participation through ShareTPL, four focus groups and discussion at staff and committee meetings, including Labour Management and Management Council. The consultation results have identified that training and communication on the Code will be critical to making the Employee Code of Ethics into a living document that can support staff in many aspects of their duties.

The revised Employee Code of Ethics sets out Toronto Public Library's expectations for all staff – management, exempt and bargaining unit – in delivering public service or conducting library business by:

- communicating the expectations for the service environment;
- promoting a sense of integrity, fair dealing and accountability;
- supporting employees in delivering the best possible service;
- encouraging employees to think and act with integrity on all service channels, including social media;
- creating and maintaining a culture focused on service outcomes grounded in shared organizational values and ethics.

The Employee Code of Ethics is centered on the following core public sector values:

1. Integrity,
2. Accountability,
3. Equity,

4. Diversity,
5. Inclusion,
6. Innovation,
7. Service Orientation.

Intellectual Freedom is included in the Code as a core principle of all libraries. As explained in the Canadian Libraries Association's *Statement on Intellectual Freedom and Libraries*, "libraries provide, defend and promote equitable access to the widest possible variety of expressive content and resist calls for censorship and the adoption of systems that deny or restrict access to resources."

The proposed Code is much broader in scope than the current Code and is the key document in the Ethical Framework. As such, Board approval is being sought for the new Code.

Conflict of Interest, Political Activity and Disclosure of Wrongdoing Policies

In creating the Public Service By-law, the City of Toronto rescinded its:

- a. Conflict of Interest;
- b. Employee Participation in Municipal Election Campaigns;
- c. Fraud and Other Similar Irregularities;
- d. Whistle Blower Protection policies.

The City replaced these policies with corresponding sets of provisions in the by-law.

Council approved:

- a. Conflict of Interest provisions;
- b. Political Activity provisions;
- c. Disclosure of Wrongdoing provisions (which consolidated the fraud and whistleblower policies).

These three sets of provisions form the basis of the Library's three revised policies.

The revised Conflict of Interest Policy will ensure that employees continue to place the public interest ahead of their private interest. The Political Activity Policy maintains the political neutrality of the Library by placing limits on the partisan political activities on all staff while performing their duties, with additional restrictions on senior executives. The revised Disclosure of Wrongdoing and Reprisal Protection Policy provides safeguards against fraud and offers whistleblower protection.

The new Conflict of Interest Policy expands the definition of a "conflict of interest" to include non-monetary interests and perceived conflicts. As well, an interest can now include benefits to an organization that an employee (or their family or friends) has a financial interest in.

The adoption of the Conflict of Interest provisions was straightforward and there are minimal changes to the City's provisions.

For the Political Activity Policy, the City's provisions were adopted for the most part. However, since the Library's organizational structure is much simpler than the City's, there are only two classes of staff that have restricted political activities. The City Librarian is not permitted to engage in any political activity (similar to the City Manager) and Library Directors have restrictions (similar to City Division Heads and Heads of Large Agencies). Staff are proposing the highest standard that could be expected of them if they fell under the City's Public Service By-law.

The revised Political Activity Policy is based on the same principles and rules as the Employee Participation in Municipal Election Campaigns Policy, but extends the policy to include federal and provincial election campaigns. As well, the new Political Activity Policy spells out in more detail the types of activities that senior executives may or may not engage in. The current policy includes restrictions on "senior staff in positions of influence." The revised policy eliminates this category of staff to be consistent with the City policy. The new policy also provides for unpaid leaves of absence in the event that an employee wishes to run for office. This is in addition to any provisions for leave contained in the Collective Agreement for bargaining unit staff that run for public office.

Most of the Disclosure of Wrongdoing provisions can be adopted, but the sections dealing with enforcement must be modified. Under the *City of Toronto Act, 2006*, the Auditor General does not have jurisdiction over the Toronto Public Library. Due to this fact, the policy was modified to allow the Library to request that the Auditor General investigate an allegation. Under the Library's policy, the City Librarian is responsible for ensuring allegations of wrongdoing are investigated.

The proposed Disclosure of Wrongdoing Policy merges the existing fraud and whistleblower policies. Instead of "fraud" and "similar irregularities", the new combined policy covers "wrongdoing." "Wrongdoing" is defined to include fraud, theft, waste, conflicts of interest and breach of public trust. As well, the new policy places the responsibility on the City Librarian to lead and advance a culture of ethics. The revised policy includes a new provision to request the services of the Integrity Commissioner in the event of allegations of wrongdoing against Board Members.

The City's Public Service By-law designates a number of positions as Ethics Executives. Since the Library is simpler and smaller in relation to the City, only the Director of Human Resources will be designated as the Library's Ethics Executive. The Director will be a resource for Managers, Directors and the City Librarian in interpreting and applying the Code.

Implementation

Staff will develop a training and communication plan in 2016.

CONTACT

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SIGNATURE

Vickery Bowles
City Librarian

ATTACHMENTS

- Attachment 1: Employee Code of Ethics
- Attachment 2: Conflict of Interest Policy
- Attachment 3: Political Activity Policy
- Attachment 4: Disclosure of Wrongdoing and Reprisal Protection Policy
- Attachment 5: Conflict of Interest Policy (2001)
- Attachment 6: Employee Participation in Municipal Election Campaigns Policy (2000)
- Attachment 7: Fraud and Other Similar Irregularities Policy (2001)
- Attachment 8: Whistle Blower Protection Policy (2012)