

# Code of Professional Conduct

Correctional Services



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# **Code of Professional Conduct**

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## **Policy Objective**

To ensure high standards of conduct for employees of the Correctional Services Division of the Department of Justice.

This Code of Professional Conduct is consistent with existing expectations of Correctional Services employees and the Government of Nova Scotia Code of Conduct for Civil Servants, which was approved by Executive Council and implemented effective September 1, 2000.

## **Principles**

Correctional Services employees are expected to contribute to the good order, safety, and security of their work environment and to public confidence in correctional programs. In addition, Correctional Services shall strive to:

1. provide the public with a Correctional Service that is efficient, effective, and professional and conducts its work with impartiality and integrity
2. provide offenders with a Correctional Service that is professional, provides for their safety and security, and offers services that assist in their rehabilitation
3. provide employees with an integrated Correctional Service that is professional, properly trained, and mutually supportive.

## **General Responsibilities Respecting the Code of Professional Conduct**

1. Management of the Correctional Services Division shall:
  - a. act in accordance with the Code of Professional Conduct
  - b. ensure that all activities of managers and business systems of the Correctional Services Division promote the principles contained in the Code of Professional Conduct
  - c. ensure that all employees are informed of the Code of Professional Conduct

- d. ensure that a copy of the Code of Professional Conduct is available to all employees at all work sites
  - e. promptly and impartially take appropriate corrective action where violations of the Code of Professional Conduct are identified.
2. Employees of the Correctional Services Division are responsible for adhering to the Code of Professional Conduct. Arising from the Code of Professional Conduct are rules that employees of Correctional Services are expected to observe. Examples of professional conduct are provided in a list below each rule. These lists are not exhaustive.
  3. Each employee of the division is expected to be fully conversant with, and adhere to, the policies, procedures, standard operating procedures, and directives that impact on their work with Correctional Services.
  4. This Code of Professional Conduct applies to all Correctional Services employees appointed by the Province of Nova Scotia, including management, bargaining unit employees, students, and others who assist in the delivery of Correctional Services programs, as appropriate.

## Definitions

### Employee

A person appointed by the Department of Justice to be on the paid staff complement of the Correctional Services Division on a permanent, full-time, casual, or part-time basis. This policy will also be used as a guideline for dealing with students and volunteers within the division.

### Offender

A person who is currently under the supervision and/or jurisdiction of the Correctional Services Division.

### Ex-offender

A person who has been found guilty or convicted of a criminal offence and has been under the supervision of a correctional authority.

### Work environment

Work environment includes the work site of the employee and activities outside of the workplace where interaction occurs between

individuals who have an employment relationship or the behaviour/ conduct impacts on the workplace or working relationship of individuals at the work site.

## Code of Conduct

### 1. Responsible Discharge of Duties

Employees are expected to work co-operatively with others to achieve the objectives of the Correctional Services Division. Employees shall fulfil their duties in a diligent, timely, and competent manner with due regard for the values and principles contained in the Mission Statement and the Code of Professional Conduct and in accordance with policies, procedures, and directives.

Employees shall:

- a. ensure accuracy when signing a statement or record in relation to attendance or the performance of duty
- b. be punctual and remain at their assigned security post if employed in a correctional facility unless authorized to leave
- c. co-operate with any investigation that is conducted or authorized by supervisory staff
- d. obey lawful instructions, written or otherwise, issued by supervisory staff
- e. make reasonable efforts to avoid and prevent unjustified waste, loss, or damage to any property in their professional care
- f. refrain from taking or borrowing for personal use any stores or supplies purchased or supplied to a correctional facility or community corrections office
- g. as a supervisor, take appropriate action when an employee acts contrary to the Code of Professional Conduct
- h. report to their respective manager any contraband found in the possession of any person
- i. restrict use of force to that which is reasonable and necessary to carry out legal duties
- j. take appropriate action when an offender:

- i. escapes or attempts to escape
- ii. assaults an employee, another offender, or a member of the public
- iii. engages in any action likely to endanger life or property
- k. refrain from the use of indecent or profane language while on duty
- l. treat the public, other employees, and offenders with respect, dignity, and courtesy in the work environment or in circumstances related to their duties
- m. exercise vigilance in the performance of supervisory functions, thereby refraining from reading newspapers, novels, periodicals, or magazines, watching television, playing games, or performing any other attention-diverting activity that could detract from the performance of duty

*Note:* A supervisor may authorize an employee to review or read job-related publications or engage in skill-improving activities while on the job if the nature of the employee's duties are such that constant vigilance is not required.

- n. facilitate and support the work of other employees while on duty or under circumstances related to their duties
- o. adhere to established safety practices
- p. promptly report a work accident
- q. perform their duties in a careful manner to prevent risk or harm to any person
- r. properly account for and safeguard any public money or property or any money/property of any other person(s) coming into their possession in the course of duty as an employee of Correctional Services.

## **2. Conduct and Deportment**

Behaviour, both on and off duty, shall reflect positively on Correctional Services and on the Public Service generally. All employees are expected to present themselves in a manner that promotes a professional image, both in their words and in their actions.



Employee dress and appearance while on duty must convey professionalism and must be consistent with employee health and safety.

Employees are reminded of the sensitivity of their positions and that they are viewed as role models by offenders, their families, other justice services, community agencies, and the public.

Employees shall:

- a. display appearance and deportment that reflects the professionalism of an employee of Correctional Services while on duty or while in uniform
- b. advise their management supervisor, within 24 hours, if they have been questioned or charged by the police regarding alleged criminal activity on their part
- c. notify their management supervisor if their motor vehicle licence has been or will be cancelled, suspended, or removed, if the employee is required to maintain a valid driver's licence as a requirement of employment
- d. refrain from consuming at the workplace, or otherwise bringing to the workplace, alcohol or other drugs except medication as prescribed by a physician
- e. report for duty without impairment or sign of impairment, including but not limited to, the odour of alcohol or other indication of the prior consumption of alcohol, drugs, or an intoxicant of any nature
- f. advise their workplace manager or supervisor accordingly before assuming their duties if they are on prescribed medication that may impede performance of normal duties
- g. refrain from sleeping while on duty or from being so positioned as to give the appearance of sleeping
- h. ensure that their uniform is neat and in good repair
- i. wear the required uniform or otherwise meet dress code requirements while on duty unless otherwise specified by their superintendent, senior probation officer, or manager

- j. refrain from wearing a uniform or any part thereof outside of working hours except as provided for in this policy or with the specific consent of the superintendent
- k. refrain from altering the uniform in any manner apart from alterations that are intended to accommodate size requirements
- l. return their uniform and professional identification material when they cease to be employed by the Correctional Services Division, Department of Justice.

### 3. Positive Work Environment

All employees, including managers and bargaining unit members, are expected to contribute to the development and maintenance of a safe, healthy, and secure work environment, free of harassment and discrimination. Relationships with other employees must promote mutual respect and a teamwork environment within Correctional Services.

*Discrimination* involves unequal treatment, usually less favourable, toward others regarding race, ancestry, place of origin, colour, ethnic origin, citizenship, creed (religion), gender/sex (including pregnancy), political belief, medical condition, source of income, sexual orientation, age, record of offences, marital status, family status, and handicap (disability). Discrimination may be directed toward an individual or take the form of a poisoned work environment where an uncomfortable atmosphere is created.

*Harassment* is a form of coercive discrimination that involves persistent and repeated conduct or comments that should reasonably be known to be unwelcome by the recipient or others in the work environment. Harassment may be verbal, physical or sexual and may be deliberate or unintended.

It is expected that all employees will:

- a. treat all people fairly and with dignity
- b. refrain from the use of offensive remarks or behaviour
- c. respect differences in others (i.e., cultural beliefs, religious practices, etc.)

- d. refrain from involvement in any form of harassment or discrimination
- e. speak up against discrimination and harassment in the work environment.

#### **4. Relationships with Offenders**

Employees must actively encourage and assist offenders to become law-abiding citizens. This duty includes establishing constructive relationships with offenders to encourage their successful reintegration into the community. Such relationships require honesty, firmness, fairness, consistency, and integrity. Employees shall promote a safe and secure workplace and respect the cultural, racial, religious, and ethnic background and the civil or legal rights of the offender. Employees shall avoid conflicts of interest with offenders and their families.

If there is uncertainty about the propriety of the relationship between an employee and an offender or ex-offender, the employee shall consult with the director of their operating unit. The director shall consider the circumstances, including whether or not the offender or ex-offender is a family member or friend of a family member or whether or not the relationship existed prior to the offender's involvement in the justice system.

Employees shall:

- a. treat offenders and their families fairly and with courtesy, respect, and honesty while on duty or in circumstances related to their duties
- b. avoid any type of personal or professional business relationship with an offender or ex-offender, their friends, or relatives if the nature of that relationship would compromise the integrity of an employee's status with the Correctional Services Division
- c. avoid hiring an offender to perform any work or provide any service without first obtaining the written permission of the employee's management supervisor;
- d. report to management all situations of mistreatment of offenders by employees or other offenders

- e. refrain from providing legal advice to an offender or an offender's relative
- f. refrain from performing personal favours for offenders where such behaviour is beyond the normal scope of employee duties and/or is a violation of operational rules.

## 5. Conflict of Interest

A conflict of interest is a situation in which an employee, for personal gain or the benefit of others, attempts to promote a private or personal interest that results in the following:

- a. interference with the objective exercise of the employee's duties in government service
- b. a gain or an advantage by virtue of the employee's position in government service.

Employees shall perform their duties on behalf of the Government of Nova Scotia with honesty and integrity. Employees must not enter into business or private ventures that may be, or appear to be, in conflict with their duties as correctional employees/peace officers and their overall responsibilities as employees of the Province of Nova Scotia.

Employees shall:

- a. arrange their private interests in a manner that will prevent a conflict of interest, with any doubt in this respect being resolved in favour of the public interest
- b. disclose conflicts of interest and follow the decision of management with respect to a declaration of conflict of interest
- c. refrain from supplementary employment or employment external to their professional government duties that:
  - i. gives rise to a conflict of interest or to a situation that would appear to be a conflict to an informed, objective observer
  - ii. may bring the government, the Department of Justice, or the Correctional Services Division into disrepute
  - iii. is conducted during the employee's normal professional working hours in any location, unless sufficient time is taken

either at the beginning or end of the working hours and the employee ensures that the recipients of the work are aware that the work is conducted in accordance with this policy

iv. conflicts with performance of professional duties

*Note:* The supervisor may require that such employment or activity be curtailed, modified, or ceased if it is determined that the employment or activity is inconsistent with this policy.

- d. not solicit or accept, directly or indirectly, a fee, gift, or benefit from a person or an organization who has dealings with government where the fee, gift, or benefit could influence the performance of official duties and functions
- e. not solicit or accept fees, gifts, or other benefits that are connected with the performance of their public duties for reasons other than:
- i. the normal exchange of gifts between friends
  - ii. the normal exchange of hospitality between persons doing business together
  - iii. tokens exchanged as part of protocol
  - iv. the normal presentation of gifts to persons participating in public functions
- f. obtain authorization from the director of their operating unit before trading in intellectual property that has been developed by employees of the Correctional Services Division for use within the division
- g. obtain authorization from management and provide reimbursement to government when using government equipment, including cellular phones and fax machines, for personal use
- h. refrain from personal activities that detract from performance of their duties such as extended visits of a personal nature during hours of duty, leaving the workplace to engage in personal errands, or placing/receiving lengthy personal telephone calls
- i. refrain from misrepresenting or misusing their professional position, title, or authority for personal advantage in dealing with others

- j. adhere to restrictions on political activities that are identified in provincial government policies that govern the involvement of public employees in such activities
- k. benefit from government programs, services, and initiatives only to the extent that a member of the public benefits therefrom
- l. benefit from information that is obtained in the course of employment only to the extent that a member of the public may benefit therefrom
- m. not benefit from the use of or permit the use of government property, including property leased to the government, or government services for anything other than the performance of official duties and functions and otherwise only to the extent that a member of the public may use or benefit therefrom
- n. disclose to the manager responsible for the operating unit the fact that the employee's spouse or dependent children have a contract or agreement with the government or with any minister or department of government, unless the contract or agreement has been awarded through public tender.

## **6. Confidentiality, Protection, and Sharing of Information**

Employees shall maintain confidentiality with respect to the security of offender-related information that is acquired through their employment. They shall ensure that appropriate information is shared in a timely manner with offenders, with other criminal justice agencies, and with the public, including victims, as required by legislation and policy.

Consistent with a public servant's duty of fidelity and loyalty, employees shall not knowingly or deliberately criticize the employer's policies, procedures, or programs. Employees who feel aggrieved are expected to bring their concern to the attention of their immediate management supervisor and, as appropriate, use approved channels of appeal, including grievance procedures with their collective bargaining agreement.

Employees shall:

- a. maintain confidentiality regarding all workplace- and offender-related information except communication that is required for the professional performance of duties
- b. not communicate with, or provide information to, agents of the news media regarding policies, incidents, or other circumstances related to functions performed by the Correctional Services Division without authorization from the Director of Communications for the department
- c. properly safeguard all documents, reports, directives, manuals, or other information of Correctional Services
- d. disclose, where appropriate, any information that the employee has an obligation to disclose
- e. refrain from using confidential information obtained in the performance of their duties for actual or anticipated gain
- f. refrain from conveying messages to or from an incarcerated offender except under such circumstances as are necessary in transacting the business of the correctional centre as approved by the superintendent.

Employees who are union stewards, executive members, or union officials may make public comment with respect to:

- a. collective bargaining matters
- b. administrative or implementation practices relating directly to specific articles of the collective agreement.

Employees who are union stewards, executive members, or officials may not:

- a. make public comments that are knowingly or recklessly false or malicious in nature or that involve statements that may jeopardize the safety and/or security of the public, Correctional Services employees, or offenders
- b. engage in union activity while on duty unless such activity is authorized by management, the appropriate collective agreement, or division policies and procedures.

## Penalties and Consequences

1. Employees who do not comply with the provisions of this code may be subject to disciplinary action up to and including dismissal, based on the reasonable exercise of discretion on the part of the employer, taking into consideration all relevant circumstances.
2. Contractors, para-professionals, volunteers, and students who do not comply with this policy will be subject to review of their contracts or employment arrangements. Remedial action may be taken, up to and including termination of their contract or service arrangements with Correctional Services.





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