

Code of Professional Conduct

CORRECTIONAL SERVICES



2007

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Code of Professional Conduct for Employees

Policy Objective

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

The Code of Professional Conduct is established in sections 11, 13–20 of the Correctional Services Regulations and is also consistent with 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 services. In addition, employees must strive to provide:

1. the public with a Correctional Service that is efficient, effective and professional and that conducts its work with impartiality and integrity
2. offenders with a Correctional Service that is professional, provides for their safety and security, and offers services that assist in their rehabilitation
3. 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 must:
 - (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. This Code of Professional Conduct applies to all Correctional Services employees appointed by the Province of Nova Scotia, including management and bargaining unit employees, assistant probation officers, students and volunteers who assist in the delivery of correctional services within the division.
- 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. 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.

Definitions

Employee

A person employed by the Correctional Services Division to perform correctional services.

Offender

A person who, pursuant to a court order, is in custody or under the supervision of the Correctional Services Division and includes young persons as defined by the *Youth Criminal Justice Act* (Canada).

Ex-offender

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

Work environment

Work environment includes the work site of the employee and activities outside the workplace where interaction occurs between individuals who have an employment relationship and the behaviour/conduct impacts on the workplace or working relationship of individuals at the work site.

Code of Professional Conduct

1. Responsible discharge of duties

Preamble:

Employees are expected to work co-operatively with others to achieve the objectives of the Correctional Services Division. Employees shall fulfill 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.

The Code of Professional Conduct states:

An employee must perform their duties responsibly and do all of the following:

- (a) ensure that a statement or record of attendance or the performance of a duty is accurate before signing it;
- (b) if employed in a correctional facility, be punctual and remain at their assigned post unless authorized to leave;
- (c) co-operate with any investigation that is conducted or authorized by supervisory staff or that is conducted in accordance with Section 21 of the Act;
- (d) obey lawful instructions that are 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) not take or borrow for personal use any stores or supplies purchased by or supplied to a correctional facility or community corrections office;
- (g) if a supervisor, take appropriate action when an employee acts contrary to the Code of Professional Conduct;
- (h) report to their supervisor any contraband seized in accordance with Section 65 of the Act and Sections 69 to 73;
- (i) restrict the use of force to that which is reasonable and necessary to carry out their duties, in accordance with Section 43 of the Act;

- (j) take appropriate action, including the use of force in accordance with Section 43 of the Act, if an offender does any of the following:
 - (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) adhere to established safety practices;
- (l) promptly report a work accident;
- (m) act carefully while on duty to prevent risk or harm to any person;
- (n) properly account for and safeguard any public money or property or any money or property of any other person that comes into their possession in the course of their duties.

2. Conduct and deportment

Preamble:

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.

The Code of Professional Conduct states:

An employee must demonstrate professional conduct and deportment and do all of the following:

- (a) display a professional appearance and deportment while on duty or while in uniform;

- (b) if the employee must maintain a valid driver's licence as a requirement of employment, notify their supervisor if their driver's licence has been or will be cancelled, suspended or removed;
- (c) not consume or bring an intoxicant at or to the workplace;
- (d) while on duty, be unimpaired by an intoxicant, which includes not displaying any indication of the prior consumption of an intoxicant;
- (e) if the employee is on prescribed medication that may impede performance of their normal duties, advise their supervisor before assuming their duties;
- (f) not use indecent or profane language while on duty;
- (g) treat the public, other employees and offenders with respect, dignity and courtesy within the work environment and in circumstances related to the employee's duties;
- (h) if the employee's duties require constant vigilance, not read, watch television, play games or engage in any other attention-diverting activity that could detract from their ability to exercise vigilance;
- (i) not sleep while on duty or be so positioned as to give the appearance of sleeping;
- (j) ensure that their uniform is neat and in good repair;
- (k) wear the required uniform or otherwise meet dress code requirements while on duty, unless otherwise instructed by their supervisor;
- (l) not wear a uniform or any part of a uniform outside of working hours, except as provided for in policies and procedures or with the specific consent of the superintendent;
- (m) not alter their uniform in any manner, except for alterations to accommodate size requirements;
- (n) return their uniform and professional identification material when they cease to be employed by the Correctional Services Division.

3. Positive work environment

Preamble:

All employees 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.

The Code of Professional Conduct states:

- (1) For the purposes of this Section,
 - (a) “discrimination” means any actions or words directed toward an individual that cause an uncomfortable atmosphere in the work environment or result in unequal and usually less favourable treatment of the individual, including unequal treatment regarding any of the following:
 - (i) race,
 - (ii) ancestry,
 - (iii) place of origin,
 - (iv) colour,
 - (v) ethnic origin,
 - (vi) citizenship,
 - (vii) creed or religion,
 - (viii) gender,
 - (ix) political belief,
 - (x) medical condition, including pregnancy,
 - (xi) source of income,
 - (xii) sexual orientation,
 - (xiii) age,
 - (xiv) record of offences,
 - (xv) marital or family status,
 - (xvi) disability;
 - (b) “harassment” means a form of coercive discrimination that may be verbal, physical or sexual and may be deliberate or unintended, and that consists of persistent and repeated conduct or comments that should reasonably be known to be unwelcome by the recipient or others in the work environment.

- (2) An employee must contribute to a positive work environment and do all of the following:
- (a) treat the public, other employees and offenders with respect, dignity and courtesy within the work environment and in circumstances related to the employee's duties;
 - (b) not use indecent or profane language, make offensive remarks or engage in offensive behavior;
 - (c) respect other people's different cultural or religious beliefs and practices;
 - (d) not engage in any form of harassment or discrimination;
 - (e) speak up against discrimination and harassment in the work environment;
 - (f) facilitate and support the work of other employees while on duty or in circumstances related to their duties.

4. Relationships with offenders

Preamble:

Employees must actively encourage and assist offenders to become law-abiding citizens. This duty includes establishing constructive relationships with offenders to encourage positive behaviour while in custody and their successful reintegration into the community. Such relationships require honesty, firmness, fairness, consistency and integrity.

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 offender or ex-offender, the employee shall consult with their supervisor. The supervisor 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 the relationship existed prior to the offender's involvement in the justice system.

The Code of Professional Conduct states:

An employee must maintain proper relationships with offenders and do all of the following:

- (a) treat offenders and their families fairly and with courtesy, respect, and honesty while on duty or in circumstances related to their duties;
- (b) not enter into any type of personal or professional business relationship with an offender or ex-offender, or a friend or relative of an offender or ex-offender, if the nature of the relationship could compromise the employee's integrity within the Correctional Services Division;
- (c) not hire an offender to perform any work or provide any service without first obtaining the written permission of the employee's supervisor;
- (d) report to their supervisor any mistreatment of an offender by another employee or another offender;
- (e) not provide legal advice to an offender or an offender's family or associates;
- (f) not perform a personal favour for an offender if it involves engaging in an activity that is beyond the normal scope of the employee's duties or violates the rules.

5. Conflict of interest

Preamble:

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

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

Employees must 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.

The Code of Professional Conduct states:

- (1) An employee must avoid a conflict of interest and do all of the following:
 - (a) arrange their private interests to prevent a conflict of interest;
 - (b) disclose any potential conflict of interest to their supervisor and comply with the supervisor's decision with respect to declaring the potential conflict of interest;
 - (c) not work for any employer other than the Correctional Services Division, if the work for the other employer would
 - (i) give rise to a conflict of interest or to a situation that would appear to be a conflict to an informed, objective observer,
 - (ii) be likely to bring the government, the Department of Justice, or the Correctional Services Division into disrepute,
 - (iii) be conducted during the employee's normal working hours in any location, unless sufficient time for the other work could be taken either at the beginning or end of the normal working hours and the employee can ensure that the other employer is aware that the work will be conducted in accordance with this policy,
 - (iv) conflict with the employee's duties;
 - (d) not work for any employer other than the Correctional Services Division while on general or short-term illness leave;
 - (e) not solicit or accept, directly or indirectly, a fee, gift or benefit from a person or an organization who has dealings with government, if the fee, gift or benefit could influence the performance of the employee's duties;
 - (f) not solicit or accept fees, gifts or other benefits that are connected with the performance of their duties in circumstances other than
 - (i) the normal exchange of gifts between friends,
 - (ii) the normal exchange of hospitality between persons doing business together,
 - (iii) the exchange of tokens for reasons of protocol, or
 - (iv) the normal presentation of gifts to persons participating in public functions;

- (g) obtain authorization from the Executive Director before trading in intellectual property that has been developed by employees for use within the division;
 - (h) obtain authorization from their supervisor before using and reimburse the government after using government equipment, including photocopiers, fax machines, cellular phones, personal digital assistants, computers and other communication devices, including 2-way radios and pagers, for personal use;
 - (i) not engage in activities that detract from performance of their duties, such as extended personal visits during hours of duty, leaving the workplace to engage in personal errands, or engaging in lengthy personal telephone calls;
 - (j) not use their professional position, title or authority for personal advantage in dealing with others;
 - (k) adhere to restrictions that are required by Provincial government policies governing the involvement of public employees in political activities;
 - (l) benefit from government programs, services, and initiatives only to the extent that a member of the public could benefit from them;
 - (m) benefit from information that is obtained in the course of their employment only to the extent that a member of the public could benefit from it;
 - (n) not benefit from 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, except to the extent that a member of the public could use or benefit from them;
 - (o) if the employee's spouse or dependent child has a contract or agreement with the Provincial government or with any minister or department of the Provincial government, disclose the existence of the contract to the employee's supervisor, unless the contract was awarded through public tender.
- (2) Any doubt about whether an employee is involved in a conflict of interest must be resolved in favour of the public interest.

6. Confidentiality, public comments and activities

Preamble:

Employees must maintain confidentiality with respect to the security of offender related information that is acquired through their employment. They must 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.

The Code of Professional Conduct states:

- (1) Each employee, volunteer and assistant probation officer and each person making an inspection, investigation or inquiry under the Act or these regulations must keep confidential all matters that come to their knowledge in the course of their duties and, except as may be permitted by law or with the permission of the Executive Director, must
 - (a) not communicate any information about the workplace or about an offender, unless communicating the information is required in the course of their duties;
 - (b) not communicate with or provide information to agents of the news media about policies, incidents or other circumstances relating to functions performed by the Correctional Services Division without authorization from the Director of Communications for the Division;
 - (c) properly safeguard all documents, reports, directives, manuals and any other written material published, distributed or circulated by the Correctional Services Division;
 - (d) not remove any original or copy of a ledger, journal, report or record from a Correctional Services Division office or correctional facility;
 - (e) disclose confidential information only if obligated to disclose it, and only in accordance with policies and procedures;
 - (f) not use confidential information obtained in the course of duty for actual or anticipated gain;
 - (g) not write a letter for, make a telephone call for or in any other manner relay or convey a written or verbal message

to or from an offender who is in custody in a correctional facility, except as necessary to convey a message to another person on behalf of an offender who is unable to do so because of illness or other reason and as approved by the superintendent.

- (2) An employee who is a union member, union steward, executive member of a union or union official may make public comments about
 - (a) collective bargaining matters;
 - (b) administrative or implementation practices relating directly to specific articles of the applicable collective agreement.
- (3) An employee who is a union member, union steward, executive member of a union or union official must not engage in union activity while on duty, unless the activity is authorized by management, the applicable collective agreement or policies and procedures.
- (4) An employee, including an employee who is a union member, union steward, executive member of a union or union official, must not make public comments that are knowingly reckless, false or malicious or that may jeopardize the safety or security of the public, employees or offenders.

7. Penalties and Consequences

Preamble:

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.

The Code of Professional Conduct states:

- (1) An employee who does not comply with the Code of Professional Conduct may be subjected to disciplinary action by the employer, up to and including dismissal.
- (2) Any disciplinary action by the employer must be exercised reasonably and with consideration of all relevant circumstances.

