

**BYLAW 2019-002 – TO REPLACE BYLAW 2016-006
CODE OF ETHICS AND CONDUCT OF
MUNICIPAL EMPLOYEES**

WHEREAS In virtue of the Act Respecting Municipal Ethics and Conduct, all municipalities must adopt a code of ethics and conduct for municipal employees, by means of a municipal bylaw;

WHEREAS the formalities outlined in the Act Respecting Municipal Ethics and Conduct for the adoption of this present draft bylaw have been respected;

WHEREAS a notice of motion was given at the regular sitting of council held February 11, 2019 and a draft bylaw was also presented at this same sitting;

WHEREAS a copy of this present bylaw was given to the members of council two (2) working days prior to the present sitting;

WHEREAS the members of council declare having read this present bylaw;

WHEREAS during the course of the sitting, the content and scope of this present bylaw are mentioned;

THEREFORE

It is moved by Felicia Clarke

Seconded by Steve Clarke

And unanimously approved by the councillors present

THAT Bylaw 2019-002 entitled Code of Ethics and Conduct of municipal employees be hereby adopted.

THAT this bylaw shall be transcribed in its entirety into the book designated for this purpose at the municipal office.

Article 1 Preamble

The preamble of this present bylaw is an integral part thereof.

Article 2 Purpose

The purpose of this bylaw is to adopt a code of ethics and conduct for the employees of the Municipality of Grosse Ile; it states the ethical values of the Municipality and the rules of conduct that must guide the employees.

Article 3 Introduction

This “Code of Ethics and Conduct of the employees of the Municipality of Grosse Ile” is adopted in virtue of articles 2, 16 and 18 of the **Act Respecting Municipal Ethics and Conduct** (L.R.Q. c. E-15.1.0.1).

In virtue of the provisions of this Act, the Municipality of Grosse Ile must adopt a code of ethics and conduct bylaw for municipal employees, which states the main ethical values of the municipality and the rules of

conduct that must be observed according to the enforcement and control mechanisms provided for this purpose.

Article 4 The Values

The ethical values of the Municipality are:

1. Integrity of municipal employees;
2. Honour affiliated with the duties of a municipal employee;
3. Caution within the pursuit of public interest;
4. Respect towards the members of the municipal council, other employees of the Municipality and the citizens;
5. Loyalty towards the Municipality;
6. The quest for equity.

All employees must demonstrate integrity, honesty, impartiality and fairness while carrying out their duties.

The values stated in this present Code must guide all employees in assessing the rules of conduct that apply to them, and this, in a context of public interest.

Article 5 The General Principle

The employee must carry out his duties and organize his professional activities in a manner that preserves and maintains public trust towards the municipality.

Article 6 The Objectives

The rules foreseen in this present Code are intended to avoid:

1. Any situation where the personal interest of an employee may influence his independence of judgment in carrying out his duties;
2. Any situation that would be contrary to the values stated in this present Code of Ethics and Conduct;
3. Favouritism, embezzlement, breach of trust or other misconduct.

Article 7 Interpretation

Unless the context indicates a different meaning, the words used in this Code maintain their usual meaning, except for the following expressions and words which are defined as follows:

1. **Benefit:** any benefit of any nature, as well as any promise of a benefit as such;
2. **Conflict of interest:** any situation where the employee must choose between the interest of the Municipality and his own personal interest;

3. **Confidential information:** information that is not public and that the employee holds as a result of his employment with the Municipality;

4. **Immediate supervisor:** person who represents the first level of authority above an employee and who supervises his work. In the case of the director general, the immediate supervisor is the mayor.

Article 8 Scope

This Code applies to all employees of the Municipality of Grosse Ile.

The Municipality may add rules, policies or guidelines to which the employees are bound and that may result in disciplinary action in a case of violation. In a case of incompatibility, the Code prevails.

A law, a federal or provincial regulation, as well as an employment contract to which the Municipality is involved in prevails over any incompatible provision of this present Code.

The Code is an addition to any other code of ethics and conduct to which the employee is subject, particularly in virtue of the Professional Code (L.R.Q., c. C-26) or an Act governing a profession that is stated therein. However, the Municipality cannot, in virtue of this present Code or otherwise, force an employee to violate a different code of ethics or conduct adopted in virtue of an Act.

Article 9 General Obligations

The employee must:

1. Perform the work inherent to his duties with diligence;
2. Respect this Code as well as the policies, rules and guidelines of the employer;
3. Fulfill his duty of confidentiality to the Municipality. He must not impair the dignity or reputation of his employer nor that of a council member or another employee of the Municipality when there is a connection with his work.

Regarding municipal elections, this Code must not be interpreted as prohibiting an employee from carrying out an act that the Act Respecting Elections and Referendums in Municipalities (R.S.Q., chapter E-2.2) declares it as not being part of partisan work.

4. Act with integrity and honesty;
5. Be appropriately dressed at work;
6. Communicate any pertinent municipal information to his employer that was brought to his attention.

This Code must not be interpreted or enforced as preventing an employee from taking any reasonable measure to protect his health, safety or physical and mental integrity, or that of another person.

Article 10 Specific Obligations

RULE 1 – Conflict of Interest

Knowingly, an employee must avoid any situation where he must choose between the interest of the Municipality and his own personal interest or, in an improper manner, that of any other person.

The employee must:

1. Faithfully fulfill his duties in accordance with applicable laws, including the regulations in force at the Municipality or in any other municipal organization;
2. Abstain from, directly or indirectly, himself or his associate, a contract with the Municipality. However, this prohibition does not apply to a contract authorized by law;
3. Inform his supervisor when a situation may put him in a conflict of interest.

Without limiting the particularity of the above, it is forbidden for any employee:

1. To act, to attempt to act or to omit to act, in any way to favour, within the carrying out of his duties, his personal interests or, in an improper manner, those of any other person;
2. To prevail of his position to influence or to attempt to influence the decision of another person in a way that favours his personal interests or, in an improper manner, those of any other person.

RULE 2 – Benefits

It is forbidden for any employee:

1. to solicit, to evoke, to accept or to receive any benefit, for themselves or for any other person, in exchange for a position or a decision taken concerning a question put before a council, committee or board in which he is a member of;
2. To accept any benefit, no matter the value, that may influence his independence of judgment in carrying out his duties or that risk to compromise his integrity.

However, it is not forbidden to accept a benefit that complies with the following three conditions:

1. It is received in accordance with a rule of courtesy, protocol, hospitality or usage;
2. It does not constitute a sum of money or a financial security of any kind such as a stock/share, liability or bank note;
3. It does not cast doubt on the integrity, independence or fairness of the employee.

The employee who receives a benefit that complies with these conditions must report it to his immediate supervisor. The secretary-treasurer must enter the declaration in the register kept for this purpose.

RULE 3 – Discretion and Confidentiality

Knowingly, an employee must not use, communicate or attempt to use or to communicate information obtained while carrying out his duties or during his time of employment that is not generally available to the public, to favour his personal interests or, in an improper manner, those of any other person. Also included as employees, the Director General and his assistant, the Secretary-Treasurer and his assistant and any other employee designated by the Council of the Municipality.

The employee must take all reasonable measures to ensure the protection of confidential information, particularly during electronic communications.

If in doubt, the employee must contact the Commission responsible for the Act Respecting Access to Documents Held by Public Bodies and the Protection of Personal Information to verify whether the information is of public or confidential nature.

During a political financing activity or election campaign, it is forbidden for any employee of the municipality to make an announcement concerning the completion of a project, the conclusion of a contract or the awarding of a grant by the municipality, unless a final decision regarding this project, contract or grant has been taken by the competent authority of the municipality.

The municipal employee who employs the executive staff must ensure that these employees respect the prohibition in the fourth paragraph. In a case where this prohibition is not respected by one of them, the municipal employee is accountable for imposing the sanctions stipulated in Article 31 of the *Act Respecting Municipal Ethics and Conduct*.

RULE 4 – Use of Municipal Resources

It is forbidden for an employee to use the resources of the Municipality for personal purposes or for any other purposes other than those regarding the carrying out of his duties.

However, this prohibition does not apply to the use of non-preferential resources available to the citizens.

The employee must:

1. Use municipal property with care. He must use the resources for the purpose of carrying out his duties in accordance with the rules, policies and guidelines;
2. At all times, have full authorization and the required permit(s) when using a vehicle belonging to the Municipality.

RULE 5 – Respect for People

The relations that an employee has with a fellow colleague, a member of the municipal council or any other person must be based on respect, consideration and courtesy.

The employee must:

1. Exercise fairness while carrying out his duties and shall not grant preferential treatment to a person to the detriment of others;

2. Refrain from insulting or harassing a person through attitudes, words and/or gestures that may affect his dignity or integrity;
3. Use an appropriate language while carrying out his duties.

RULE 6 - Loyalty Obligation

- 6.1 The employee must be loyal and faithful to his commitments with the employer.

Without limiting the scope of the above, any person who leaves his job within the Municipality shall not take improper advantage of the duties that he carried out and it is forbidden for him to use or to reveal confidential information that he learned about within the carrying out of his duties.

- 6.2 Without limiting the generality of the above, it is forbidden for any person, in the twelve (12) months following the end of his employment, to hold an administrator or manager position in a corporation, a job or any other function as such that he or any other person draws an undue benefit from because of his previous duties as a municipal employee.

RULE 7 – Sobriety

It is forbidden for an employee to consume or to encourage anyone to consume an alcoholic beverage, cannabis or an illegal drug while working. An employee cannot be under the influence of alcohol or drugs while carrying out his duties.

However, an employee who, within the performance of his duties, participates in an event where alcoholic beverages are served does not violate this rule if he consumes in a reasonable manner.

Article 11 Penalties

A violation of this code may, by a decision of the municipal council or the director general – if she has the authority pursuant to the Act, bylaw or resolution – and subject to any contract of employment, entail any penalty warranted by the nature and severity of the violation.

In the case of a violation of a commitment that applies after the expiry of the employment contract, the Municipality may, depending on the circumstances, go to the court of law to resolve the situation or, generally speaking, to protect their rights.

The Municipality acknowledges the remedial aspect of discipline within the workplace. They also acknowledge that the enforced disciplinary measure will be fair and reasonable, and proportional to the severity of the alleged misconduct.

Article 12 Enforcement and Control

Any complaint from citizens regarding this Code must:

1. Be submitted to the director general, in a sealed envelope, who will determine if there was a violation of the Code of Ethics and Conduct;

2. Be written, complete, motivated and include all supporting documents and be from any person who knows about a violation of this Code of Ethics and Conduct.

In regards to the director general, any complaint must be submitted to the mayor of the Municipality. Subparagraphs 1 and 2 of the previous paragraph apply by making the necessary modifications.

No penalty can be imposed on an employee without him:

1. Being informed about the misconduct;
2. Having the chance to be heard.

Article 13 Repealed Bylaws

This bylaw repeals and replaces any previous bylaws of the Municipality of Grosse Ile of the same nature.

Article 14 Coming Into Force

This bylaw is adopted and comes into force in accordance to the law.

Rose Elmonde Clarke
Mayor

Janice Turnbull
Director General

NOTICE OF MOTION: February 11, 2019
ADOPTION: March 11, 2019
PUBLICATION: March 14, 2019