

THIS IS A COURTESY TRANSLATION. THE ORIGINAL VERSION IN FRENCH WILL TAKE PRECEDENCE IN ANY LEGAL DISPUTE IN COURT.

**PROVINCE OF QUÉBEC  
MUNICIPALITY OF HOPE TOWN  
MRC OF BONAVENTURE**

**PROJECT BY-LAW NUMBER 2022-03 ESTABLISHING THE  
CODE OF ETHICS AND PROFESSIONAL CONDUCT FOR THE EMPLOYEES OF THE  
MUNICIPALITY OF HOPE TOWN**

**WHEREAS** the *Municipal Ethics and Good Conduct Act (MEGCA)*, assented to on December 2, 2010, obliges all local municipalities to adopt a code of ethics and professional conduct that sets out the municipality's main ethical values and the rules that must guide employees' conduct.

**WHEREAS** the *Act to amend the Act respecting elections and referendums in municipalities, the Municipal Ethics and Good Conduct Act and various legislative provisions*, commonly referred to as "Bill 49" and assented to on November 5, 2021, requires the addition of a rule concerning the receipt of a gift or benefit by employees.

**WHEREAS**, in accordance with section 18 of the MEGCA, any decision concerning the adoption of the code of ethics and professional conduct must be made by by-law ;

**WHEREAS** a notice of motion was given at the sitting of the council;

**WHEREAS** the adoption was preceded by the presentation and tabling of a draft by-law on April 6<sup>th</sup> and a consultation with employees on the draft by-law held on April 11<sup>th</sup>, 2022;

**WHEREAS**, in accordance with section 12 of the Act, a public notice containing a summary of the draft by-law was published on April 11<sup>th</sup> 2022 ;

**WHEREAS** the council deems it appropriate, essential, and in the public interest to comply with the requirements of the Act by amending the municipality's code of ethics and professional conduct for its employees;

**THEREFORE**, it is proposed by Gisele Delarosbil,  
Seconded by Lida Francoeur

And resolved by a unanimous vote of the councillors present, that the following project by-law be adopted:

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**Article 1 Preamble**

The preamble is an integral part of this project by-law.

**Article 2 Purpose**

The purpose of this project by-law is to modify the current code of ethics and professional conduct for the municipality's employees, notably to provide details regarding the receipt of gifts and benefits by municipal employees.

**Article 3 Code of ethics and professional conduct for employees**

The code of ethics and professional conduct for employees of the Municipality of Hope Town, hereby appended as Schedule A, is adopted.

**Article 4 Examination of the code of ethics and professional conduct**

A copy of the code of ethics and professional conduct is given to each employee of the Municipality. Employees must confirm to the director general, on the form provided for this purpose, that they have received a copy and have read it within ten (10) days of its receipt. The attestation is then to be added to the employee's file.

The mayor shall receive a copy of the director general and clerk-treasurer's attestation.

**Article 5 Replacement**

This project by-law replaces by-law number 2018-04 establishing a code of ethics and professional conduct for municipal employees, adopted on October 2<sup>nd</sup> 2018.

Any mention or reference to a code of ethics and professional conduct for municipal employees in a by-law, resolution, policy, contract, or other, is considered to refer to this by-law.

**Article 6 Coming into force**

This project by-law comes into force in accordance with the law.

ADOPTED BY THE MUNICIPAL COUNCIL ON APRIL 6TH, 2022

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Mayor

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Clerk-Treasurer

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SCHEDULE A  
**CODE OF ETHICS AND PROFESSIONAL CONDUCT**  
**FOR MUNICIPAL EMPLOYEES**

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**1. Introduction**

This code of ethics and professional conduct for municipal employees of the Municipality of Hope Town is adopted under sections 2, 16, and 18 of the *Municipal Ethics and Good Conduct Act* (RSQ c. E-15.1.0.1).

Under the provisions of this Act, the Municipality of Hope Town must adopt, by by-law, a code of ethics and professional conduct for municipal employees that sets out the municipality's main ethical values and the rules that must guide employees' conduct according to a set of application and control mechanisms.

**2. Values**

2.1 The municipality's ethical values are:

- (1) Integrity of municipal employees;
- (2) Honour of the title of municipal employee;
- (3) Prudence in the pursuit of the public interest;
- (4) Respect and civility towards municipal council members, other municipal employees, and citizens, including during interactions online and on social media;
- (5) Loyalty to the municipality;
- (6) The pursuit of equity.

2.2 All employees must demonstrate integrity, honesty, objectivity, and impartiality in the performance of their duties.

2.3 The values set out in this code guide employees in the interpretation, from a public interest standpoint, of the ethical rules that they must follow.

**3. General principle**

3.1 Employees must perform their duties and organize their professional activities in a way that preserves and maintains the public's trust in the municipality.

**4. Objectives**

4.1 The rules presented in this code are intended to prevent, among other things:

- (1) Any situation where employees' interest may influence their independent judgment in the performance of their duties;
- (2) Any situation that is contrary to the values set out in this code;
- (3) Favouritism, malfeasance, breach of trust, or other misconduct.

## 5. Interpretation

5.1 Unless the context indicates otherwise, the words used in this code retain their typical meaning, except for the following defined words and phrases:

- (1) **Benefit:** a benefit of any kind, as well as any promise of such a benefit.
- (2) **Conflict of interest:** any situation where employees must choose between the municipality's interests and their own interests.
- (3) **Confidential information:** information that is not public knowledge, to which employees have access because of their employment relationship with the municipality.
- (4) **Immediate supervisor:** the person who represents the first level of authority over an employee and who exercises control over their work. The director general's immediate supervisor is the mayor.

## 6. Scope

6.1 This code applies to all municipal employees.

6.2 In addition to this code, the municipality may adopt by-laws, policies, or directives to which employees are bound, the breach of which may result in disciplinary action. In cases of incompatibility, this code shall prevail.

6.3 Federal or provincial laws or by-laws, as well as any employment contract to which the municipality is a party, shall prevail over any incompatible provisions of this code.

6.4 This code applies to employees in addition to any other codes of ethics or of professional conduct to which they are subject, namely under the *Professional Code* (RSQ c. C-26) and any acts governing the professions referred to therein. However, the municipality cannot, by virtue of this code or otherwise, force an employee to contravene another code of ethics or professional conduct adopted by law.

## 7. General obligations

7.1 Employees must:

- (1) Perform the work inherent to their duties diligently;
- (2) Comply with this code and the employer's policies, rules, and guidelines;
- (3) Respect their duty of restraint towards the municipality. They must not undermine their employer's dignity or reputation or, if related to their work, those of a council member or another municipal employee;
- (4) Act with integrity and honesty;
- (5) Dress appropriately at work;

- (6) Communicate to their employer any information brought to their knowledge that they know to be relevant to the municipality.
- 7.2 During a municipal council election, this code should not be interpreted as prohibiting an employee from performing an activity that the *Act respecting elections and referendums in municipalities* (RSQ c. E-2.2) does not consider to be partisan.
- 7.3 This code must not be construed or applied to prevent employees from taking all reasonable steps to protect their health, safety, or physical and mental well-being or those of any other person.

## **8. Specific obligations**

### **8.1 RULE 1 – Conflicts of interest**

- 8.1.1 Employees must avoid any situation where they must knowingly choose between the municipality's interests and their own or, in an undue manner, those of any other person.
- 8.1.2 Employees must:
- (1) Faithfully perform their duties in accordance with applicable legislation, including the regulations in force in the municipal office and all other municipal bodies;
  - (2) Refrain from knowingly having a contract with the municipality, either directly or indirectly, and prevent their associates from doing the same. This prohibition does not apply to contracts authorized by law;
  - (3) Inform their supervisor when a situation is likely to put them in a conflict of interest.
- 8.1.3 Without limiting the specificity of the foregoing, employees must not:
- (1) Cause by their actions, attempted actions, or inaction a situation that promotes, in the performance of their duties, their own interests or, in an undue manner, those of any other person;
  - (2) Use their position to influence or attempt to influence the decision of another person in order to further their own interests or unduly further those of any other person.

## **8.2 RULE 2 – Benefits**

### **8.2.1 Employees must not:**

- (1) Solicit, incite, accept, or receive, for themselves or for another person, any benefit whatsoever in exchange for deciding, acting, omitting to decide or to act, or exercising any influence whatsoever within the performance of their duties;
- (2) Accept any gift, hospitality or other benefit offered by a provider of goods or services, whatever its value, that may impair their independence of judgment in carrying out the duties of office, or that may compromise their integrity;

### **8.2.2 However, employees may accept a benefit that is not offered by a provider of goods or services if the following three conditions are met:**

- (1) The benefit is received following courtesy and hospitality rules, customs, or protocols;
- (2) The benefit is not money or a financial instrument of any kind such as a share, bond, or commercial paper;
- (3) The benefit does not cast doubt on the employee's integrity, independence, or impartiality.

Employees who receive a benefit that meets these conditions must report it to their immediate supervisor. The declaration must be entered in a specific register kept by the clerk-treasurer.

## **8.3 RULE 3 – Discretion and confidentiality**

### **8.3.1 Employees must not knowingly use, disclose, or attempt to use or disclose any information obtained in the exercise (or in connection to the exercise) of their duties that is not generally available to the public to further their own interests or unduly further those of any other person.**

### **8.3.2 Employees must take all reasonable steps to protect confidential information, including in electronic communications.**

### **8.3.3 In case of doubt, employees must contact the person in charge of implementing the *Act respecting access to documents held by public bodies and the protection of personal information* to ascertain whether the information is public or confidential.**

#### **8.4 RULE 4 – Use of municipal resources**

8.4.1 It is forbidden for employees to use the municipality's resources for personal purposes or for purposes other than the exercise of their duties.

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

8.4.2 Employees must:

- (1) Use municipal property with care and follow all applicable policies, rules, and guidelines when using it in the exercise of their duties;
- (2) Hold the required authorization or permit at all times when using a municipal vehicle.

#### **8.5 RULE 5 – Respect for individuals**

8.5.1 Employees' relationships with co-workers, council members, or any other person must be founded on respect, consideration, and civility.

8.5.2 Employees must:

- (1) Act fairly in the performance of their duties and not give preferential treatment to one person at the expense of others;
- (2) Refrain from using abusive language or harassing someone through attitudes, words, or actions that may affect their dignity or integrity;
- (3) Use appropriate language in the performance of their duties.

#### **8.6 RULE 6 – Duty of loyalty**

8.6.1 Employees must be loyal and faithful to their commitments to their employer.

#### **8.7 RULE 7 – Sobriety**

8.7.1 Employees must not consume alcoholic beverages or use drugs, or encourage someone to consume alcoholic beverages or use drugs, while on duty. Employees must not be under the influence of alcohol or drugs while performing their job.

However, employees who, as part of their duties, attend an event where alcoholic beverages are served, do not contravene this rule if they consume some reasonably.

## **8.8 RULE 8 – Announcements at political fundraising activities**

8.8.1 Employees may not announce, during a political fundraising activity, the carrying out of a project, the signing of a contract, or the granting of a subsidy by the municipality unless a final decision concerning the project, contract, or subsidy has already been made by the competent municipal authority.

## **8.9 RULE 9 – Post-mandate or post-employment obligations**

8.9.1 The following employees of the municipality:

- 1) The director general and their assistant
- 2) The clerk-treasurer and their assistant
- 3) The treasurer and their assistant
- 4) The clerk and their assistant
- 5) The urbanism inspector

In the twelve (12) months following the end of the work, are prohibited from holding a position as a director or officer of a corporation, or any other position or job in which they benefit from an unfair advantage given their previous position as an employee of the municipality.

## **9. Penalties**

9.1 Failure to obey this code may result in the application of any sanctions deemed appropriate given the nature and gravity of the violation. The municipal council or the director general—if granted the authority by law, by-law, or resolution—must make this decision in accordance with the employee’s employment contract.

9.2 If an employee fails to obey an obligation after their employment contract has ended, the municipality may, depending on the circumstances, file a petition in court to obtain compensation or, generally, to protect its rights.

9.3 The municipality recognizes the corrective nature of discipline in the workplace. It acknowledges that disciplinary measures must be fair, reasonable, and proportionate to the severity of the misconduct.



## 10. Application and control

10.1 Any complaint by citizens in relation to this code must:

- (1) Be filed confidentially with the director general (and clerk-treasurer), who will determine whether there has been a violation of the code of ethics and professional conduct;
- (2) Be presented and justified exhaustively in writing, and accompanied, if necessary, by any supporting document. Anyone with knowledge of a violation of the code of ethics and professional conduct may file a complaint.

10.2 All complaints concerning the director general (or the clerk-treasurer) must be filed with the mayor of the municipality. Paragraphs 1 and 2 of the preceding article apply with the necessary modifications.

10.3 Employees may not be sanctioned before:

- (1) They have been informed of the accusations against them;
- (2) They have had the opportunity to express themselves on the subject.

## 11. Entry in force

11.1 The present regulation comes into force in accordance with the law.

### **ADOPTED BY MUNICIPAL COUNCIL, May , 2022**

Notice of Motion:	April 6 <sup>th</sup> , 2022
Deposit and presentation of project by-law:	April 6 <sup>th</sup> , 2022
Public Notice and Certificate of Publication:	April , 2022
Adoption of the regulation:	May , 2022

