

ADMINISTRATIVE VERSION
(NO. 2012-09, 2016-06, 2018-10)
CONCERNING THE CODE OF ETHICS AND CODE OF
CONDUCT FOR MUNICIPAL EMPLOYEES

WHEREAS the Law on ethics and code of conduct in municipal matters, in effect December 2nd 2010, require local municipalities and regional county municipalities to adopt a code of ethics and professional conduct applicable to municipal employees;

WHEREAS the council of all municipalities that do not have such a code in accordance with the requirements of the Law on ethics and code of conduct in municipal matters must adopt it by regulation no later than December 2nd, 2012;

WHEREAS the formalities planned for the Law on ethics and code of conduct in municipal matters have been respected;

WHEREAS notice of motion has been given;

It is proposed by Councilor André Martel;
Seconded by Councilor Roger Dumouchel;

And resolve to adopt the following code of ethics and the code of conduct.

ARTICLE 1 TITLE

The title of the present code is: Code of ethics and conduct of employees of the Municipality of Ayer's Cliff.

ARTICLE 2 APPLICATION OF THE CODE

The present code applies to all employees of the Municipality of Ayer's Cliff.

ARTICLE 3 VALUES OF THE MUNICIPALITY

The following values serve as a guide for the conduct of municipal employees of the Municipality, particularly when the situations encountered are not explicitly provided for in this code or by the various policies of the municipality.

- 1) **Integrity**
Every employee values honesty, self-discipline and justice.
- 2) **Caution in the pursuit of the public interest**
All employees assume their responsibilities when faced with a matter of public interest which is incumbent on him. In carrying out this mission, he acts with professionalism, as well as vigilance and good judgement.
- 3) **Respect towards other employees, elected officials of the municipality and citizens.**

Every employee favors respect in human relations. He is entitled to this and must act with respect towards all the people with whom he deals in the course of his duties.

- 4) Loyalty towards the municipality**
All employees seek the interests of the municipality, in compliance with laws and regulations.
- 5) Pursuit of equity**
Every employee treats everyone fairly, in accordance with laws and regulations.
- 6) Honor associated with the duties of an employee of the Municipality**
Every employee guards the honor associated with his duties, which pre-supposes the constant exercise of the five previous values; integrity, caution, respect, loyalty and equity.

ARTICLE 4 INTERPRETATION

Unless the context otherwise requires, words used in this Code retain their usual meaning, except for expressions and words defined as follows:

- 1° **advantage**: any benefit of any kind, as well as any promise of such a benefit;
- 2° **conflict of interest**: any situation where the employee must choose between the interest of the Municipality and his personal interest;
- 3° **confidential information**: information that is not public and that the employee has because of his employment relationship with the Municipality;
- 4° **immediate superior**: person who represents the first level of authority above an employee and who exercises control over their work. In the case of the director general, the immediate superior is the mayor.

ARTICLE 5 RULES OF CONDUCT

5.1 Application

The rules set out in this article shall guide the conduct of employees of the municipality.

5.2 Objectives

The objective of these rules is notably to prevent:

1. any situation where the personal interest of the employee may influence his independence of judgment in the performance of his duties.
2. any situation that would violate any provision of any law or government regulation or city council regulation or directive applicable to an employee;
3. favoritism, embezzlement, breach of trust or other misconduct.

5.3 Conflict of interest

5.3.1 It is forbidden for any employee to act, attempt to act or omit to act in such a way as to promote, in the performance of his duties, his personal interests or, in an abusive manner, those of any other nobody.

5.3.2 Any employee is prohibited from using their position to influence or attempt to influence the decision of another person so as to promote their personal interests or, in an abusive manner, those of any other person.

5.4 Advantages

5.4.1 Any employee is prohibited from soliciting, obtaining, accepting or receiving, for himself or for another person, any advantage whatsoever in exchange for taking a position.

5.4.2 Any employee is prohibited from accepting any donation, indication of hospitality or other benefit, regardless of its value, which may influence their independence of judgment in the performance of their duties or which may compromise their integrity.

5.4.3 However, accepting a benefit that meets the following three conditions is not prohibited:

- 1° it is received in accordance with a rule of courtesy, protocol, hospitality or custom;
- 2° it is not made up of a sum of money or any financial title such as a stock, bond or commercial paper;
- 3° it is not such as to cast doubt on the integrity, independence or impartiality of the employee.

An employee who receives a benefit that meets these conditions must declare it to his immediate supervisor. The declaration must be entered in a register kept for that purpose by the secretary-treasurer.

5.5 Use of municipal resources:

Any employee is prohibited from using the resources of the municipality for personal purposes or for purposes other than activities related to the performance of their duties, subject to a specific policy governing such use.

This prohibition does not apply when an employee uses, under non-preferential conditions, a resource made available to citizens.

Employee must:

- 1° use with care the property of the Municipality. He must make use of it, for the performance of his work, in accordance with policies, rules and instructions;
- 2° hold, at all times, any authorization or permit required when using a Municipality vehicle.

5.6 Breach of trust and embezzlement

It is forbidden for an employee to divert property belonging to the municipality for his own use or for the use of a third party.

5.7 Discretion and confidentiality

An employee must not knowingly use, communicate or attempt to use or communicate information obtained in the performance or in the course of the performance of his duties and which is not generally available to the public, to promote their personal interests or, in an abusive manner, those of any other person.

An employee must take all reasonable steps to ensure the protection of confidential information, especially during electronic communication.

If in doubt, the employee should contact the person responsible for enforcing the Act respecting access to documents held by public bodies and the protection of personal information to ensure the public or confidential nature of any information.

5.8 Respect for people

An employee's relationship with a co-worker, a member of the Municipality's council or any other person must be based on respect, consideration and civility.

Employee must :

- 1° act fairly in the performance of their duties and should not give preferential treatment to one person to the detriment of others
- 2° refrain from using offensive remarks or harassing a person with attitudes, words or gestures that could undermine their dignity or integrity;
- 3° use language appropriate to the performance of their duties.

5.9 Obligation of loyalty

The employee must be loyal and truthful to his commitments to the employer.

Without limiting the scope of the foregoing, any person who leaves their employment with the Municipality must not take unfair advantage of the functions they have occupied there.

5.10 Sobriety

An employee is prohibited from consuming or encourage anyone to consume alcoholic beverages or illegal drugs while on the job. An employee cannot be under the influence of such drink or drug while performing his work.

However, an employee who, in the course of his duties, participates in an event where alcoholic beverages are served does not contravene this rule if he consumes it reasonably.

(Regulation 2016-06)

« 5.11 Fundraising activity

It is forbidden for any employee of the municipality to make the announcement, during a political fundraising activity, of the completion of a project, the conclusion of a contract or the awarding of a subsidy by the municipality, unless a final decision with respect to this project, contract, or grant has been made by the competent authority of the municipality. "

(Regulation 2018-10)

« Article 5.11 Post term

It is forbidden, within twelve (12) months following the end of their mandate, to hold a position of director or officer of a legal person, a job or any other function such that the latter or any other person derive an unfair advantage from their previous functions, to the following employees of the municipality:

- 1° the director general and his assistant*
- 2° the secretary-treasurer and his assistant;*
- 3° the treasurer and his assistant;*
- 4° the clerk and his assistant;*
- 5° all employees responsible for handing over of contracts or the application of the regulation on contractual management;*
- 6° all employee who occupy functions which require the processing of sensitive information. "*

ARTICLE 6 PREVENTATIVE ACTION

Employees who believe they are placed, directly or indirectly, in a situation of real, potential or apparent conflict of interest, or who are likely to otherwise contravene this code of ethics and professional conduct, must notify their immediate supervisor.
In the case of the Director General, he must advise the Mayor.

ARTICLE 7 BREACH AND SANCTION

A breach of a rule provided for in this code of ethics and professional conduct by an employee may result, by decision of the municipality and in compliance with any employment contract, the application of any sanction appropriate to the nature and seriousness of the breach.

In the event of a breach of an obligation that applies after the end of the employment contract, the Municipality may, depending on the circumstances, apply to the courts to make amends or, in general, to protect its rights.

The Municipality recognizes the corrective aspect of discipline in the workplace. It recognizes that the disciplinary measure imposed will be fair and reasonable, and proportional to the seriousness of the alleged fault.

ARTICLE 8 OTHER CODE OF ETHICS AND CONDUCT

This code should not be interpreted as restricting the obligations imposed on a municipal employee by-law, a regulation, a code of professional ethics, an employment contract including a collective agreement, a municipal policy or directive.

ARTICLE 9 COMING INTO EFFECT

The present by-law enters in effect according to the Law.

Signed and adopted by the Municipality of the Village of Ayer's Cliff at the regular Council meeting held November 5th, 2012.

Ghislaine Poulin-Doherty
Director general / Secretary-treasurer

Alec van Zuiden
Mayor

Notice of motion and project presentation: October 1st, 2012

Public notice : October 2nd, 2012

Employee consultation meeting: October 24th, 2012 (regular employees), November 5th, 2012 (firefighters)

Adoption: November 5th, 2012

Promulgation notice: November 7th, 2012