



By-law 496-2012

Code of ethics and good conduct for employees of the Municipality of Morin-Heights

WHEREAS the Municipal ethics and good conduct Act adopted on December 2nd, 2010 states that all municipalities must adopt a code of ethics and good conduct by-law for municipal employees which states the municipality's main values with regards to ethics and regulations which must guide their conduct as per the application and control mechanism stipulated in this regard;

WHEREAS as per the provisions Article 17 of this Act, the Code must reproduce, with necessary adaptations, Article 19 with regards to a violation to a regulation stipulated in the Code by an employee may entail, upon the municipality's decision and while respecting the work contract, apply any appropriate sanction with regards to the nature and gravity of the violation;

WHEREAS the municipality's values, as per the ethics code are as follows:

- 1° integrity of the municipal employees;
- 2° the honour attached to the municipal employees functions;
- 3° prudence in the pursuit of the public interest;
- 4° the respect to be shown to the other council members, other employees of the municipality and to its citizens;
- 5° loyalty towards the municipality;
- 6° search for equity.

WHEREAS each employee must show proof of integrity, honesty, objectivity and impartiality while accomplishing functions and the values stipulated in the present Code must guide every employee with the application of regulations which are applicable, and specifically, in the public's interest.

WHEREAS the regulations stipulated in the Code of ethics and good conduct, in particular, aim to prevent:

- 1° any situation when the personal interests of a council member may influence his independence in judgment while exercising his functions;
- 2° any situation which could be contrary to the values stipulated in the present Code of ethics and good conduct;
- 3° favouritism, embezzlement, breach of trust or other misconduct.

WHEREAS the adoption was preceded with the presentation of a draft by-law dated April 11th, 2012 as well as a consultation with employees with regards to the draft by-law was held on April 19th, 2012;

WHEREAS, in accordance to Article 12 of said Act, a public notice which includes a draft by-law was published on April 13th, 2012;

WHEREAS a notice of motion of the present by-law was given at the regular meeting held on April 11th, 2012 by Councillor Peter MacLaurin;

THAT THE FOLLOWING BE STATUED AND ORDAINED BY THE PRESENT BY-LAW:

ARTICLE 1 PREAMBLE

The preamble forms an integral part of the present by-law.

ARTICLE 2 PRESENTATION

The present Code of ethics and good conduct for municipal employees of the Municipality of Morin-Heights is adopted as per Article 2, 16 and 18 of the Municipal ethics and good conduct Act (L.R.Q., c. E-15, 1.0.1).

The employee must exercise his functions and organize his professional activities in order to preserve and maintain the public's trust towards the municipality.

ARTICLE 3 INTERPRETATION

Every word used in the present code preserve their usual meaning, with the exception of the words and expressions defined as follows:

« **Advantage** » :

Any advantage, of any nature whatsoever, as well as any promise of such an advantage;

« **Conflict of interest** » :

Any situation where an employee must chose between the interest of the municipality or his own;

« **Confidential information** » :

Information that is not public which an employee has because of its employment with the municipality;

« **Immediate supervisor** » :

A person that represents the first level of authority above the employee and which exercises control over his work. In the case of the Director general, the immediate supervisor is the Mayor.

ARTICLE 4 SCOPE OF APPLICATION

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

The municipality may add regulations, policies or directives to the present Code, which the employee must follow, and, in case of an infraction, will be susceptible to disciplinary measures. In the case of incompatibility, the Code prevails.

An Act, federal or provincial by-law as well as a work contract for which the Municipality is part, prevails over every incompatible provision of the present Code.

The Code is added to any other ethics of good conduct Code to which an employee is subjected to, specifically as per the professions or good conduct code (L.R.Q., c. C-26) or a Law governing a profession which is mentioned. However, the Municipality cannot, as per the present Code or other, force an employee to contravene to another ethic or good conduct code adopted as per the Law.

ARTICLE 5 GENERAL OBLIGATIONS

The employee must:

- execute the work pertaining to his functions, with diligence;
- respect the present Code as well as policies, regulations and employer's directives;
- respect his duties towards the municipality. He must not compromise his employer's dignity or reputation nor, when there is a work relationship with a council member or other municipal employee;
- act with honesty and integrity;
- at work, be dressed in appropriate attire;
- notify his employer of any information to his knowledge which may be pertinent to the Municipality.

The present Code must not be interpreted or applied as withholding the employee from taking every reasonable step to protect his health, safety or physical or mental integrity, or that of any other person.

With regards to the municipality's election of council, the present code must not be interpreted as restricting an employee from accomplishing an act that the Municipal ethics and good conduct Act (LRQ, c. E-2.2) declares not constituting partisan work.

ARTICLE 6 CONFLICT OF INTEREST

Every person must avoid putting themselves in a position of being susceptible of having to make a choice between his personal interest or that of the Municipality or any other person.

The employee must faithfully assume his functions as per the applicable legislations including the regulation in effect for the municipality or any other municipal organization;

- abstain from directly or indirectly, by himself or an associate, entering into a contract with the municipality. This prohibition does not apply however to a contract authorized by Law;
- when a situation is susceptible to being a conflict of interest, inform his supervisor;
- with regards with what precedes, it is prohibited for an employee to:
- act, attempt to act or omit acting in such a way as to favour, while exercising his functions, his personal interests or, in an abusive manner, those of another person;
- take advantage of his functions to influence or attempt to influence the decision of any other person to favour his personal interests or, in an abusive manner, those of another person.

ARTICLE 7 ADVANTAGES

It is prohibited for any employee to:

- accept, receive, provoke or solicit any advantage for himself or for another person in exchange for either a decision, an act, the omission to decide or act or exercise an influence within its functions;
- accept any advantage, for whatever amount, which may influence his independence of judgment while exercising his functions or risking compromising his integrity;
- It is however not prohibited to accept an advantage that respects the following three conditions:
 - It is received in accordance to a rule of courtesy, protocol, hospitality or usage;
 - It is not constituted as an amount of money or financial title such as an action, an obligation or a business;
 - It must not be left to doubt with regards to integrity, independence or impartiality towards an employee;

An employee who receives a benefit respecting these conditions must declare it to his immediate supervisor. The declaration must be listed in the register for this purpose by the Director general. Such an advantage must not exceed a value of \$ 250.

ARTICLE 8 DISCRETION AND CONFIDENTIALITY

It is prohibited for anyone, either during his term or after, to use, contact or attempt to use or disclose information obtained while carrying out his duties, which are not generally available to the public so as to further his or her private interests or those of another person.

An employee must take every reasonable measure to ensure the protection of confidential information, particularly with electronic communications.

In case of doubt, an employee must address the person responsible for applying the Access to communication Act for public organizations and the protection of personal information in order to ensure the public or confidential character of information.

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It is prohibited for any municipal employee to advertise, at the time of a political financing activity, a project which is underway, an agreement being entered into or the providing of a grant by the Municipality, unless a financial decision pertaining to this project, contract or grant has already been taken by a competent municipal representative.

ARTICLE 9 USE OF THE MUNICIPALITY'S RESOURCES

It is prohibited for anyone to use the Municipality's resources for personal means other than to carry out his duties.

This restriction does not apply to the use of resources at non-preferential conditions, available to citizens.

The employee must:

- use municipal property with care and must be used within the execution of his work in accordance to policies, regulations and directives;
- obtain, at all times, the required authorization or permission when using a municipal vehicle.

ARTICLE 10 RESPECT OF OTHERS

Interactions between an employee and a work colleague, municipal council member or any other person must be based on respect, consideration and civility.

An employee must:

- act fairly within the execution of his functions and must not give preferential treatment to one person to the detriment of another;
- abstain from making offensive comments or harassing another person by attitudes, words or gestures which may belittle his integrity or dignity;
- use appropriate language while exercising his functions.

ARTICLE 11 OBLIGATION FOR LOYALTY

Every employee must act with loyalty towards his employer.

Without limiting the overviews above, it is prohibited for any person who leaves his employ with the municipality to benefit from an advantage related to the functions which were occupied.

ARTICLE 12 SOBRIETY

It is prohibited for an employee to consume or incite another to consume an alcoholic drink or illegal drug during work. An employee cannot be under the influence of such beverage or drug while executing his work.

However, an employee may, while executing his functions, participate in an event where alcoholic beverages are served and will not contravene to the present regulation if consumption is reasonable.

ARTICLE 13 SANCTIONS

A violation to the present Code may entail, by decision of the municipal council or Director general and while respecting the work contract, the application of any appropriate sanction for the nature and gravity of this violation.

In the case of a violation to an obligation which occurs at the end of a work contract, the municipality may, under the circumstances, address the courts in order to obtain rectification or, generally, have rights protected.

The municipality recognizes the discipline corrective aspect in the workplace. It recognizes that the imposed disciplinary measure will be fair and reasonable and in proportion to the gravity of the alleged incident.

ARTICLE 14 APPLICATION AND CONTROL

Every complaint from a citizen with regards to the present Code must:

- be presented confidentially to the Director general who, if necessary, will determine if it contravenes to the Ethics and good conduct Code;
- the Director general must present every complaint to the mayor of the municipality
- be complete, written, motivated and include any justified document and from someone who deems that there is a breach to the present Ethics and good conduct Code.

A disciplinary measure cannot be imposed to an employee without him:

- having been informed of the reproach which pertains to him
- having had the chance to be heard

ARTICLE 15 ACKNOWLEDGEMENT THE ETHICS AND GOOD CONDUCT CODE

A copy of the Ethics and good conduct Code is given to each municipal employee. The employee must attest to having received a copy and read, within ten (10) days following receipt. A copy of the attestation is filed in the employee's file and the Director general makes a report to Council.

ARTICLE 16 ABROGATION

The present by-law abrogates and replaces any by-law, resolution, policy or directive relating to the subject aimed at by the Code.

ARTICLE 17 ENTERING INTO ACCOUNT

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

Timothy Watchorn
Mayor

Yves Desmarais
Director general/
Secretary-treasurer