



BY-LAW 746-2023
Regarding ethics and good conduct of municipal employees

EXPLANATORY NOTE

This by-law aims at updating the ethics and good conduct regulations for municipal employees and to follow-up on legislative modifications adopted in 2021.

Thus, this by-law is an overhaul of the by-law in effect since 2012. It updates the values inspired by the Municipality's 2020-2030 strategic vision statement.

The by-law includes provisions regarding the use of digital resources, confidentiality pertaining to personal information, the communication of private information and the disclosure of wrongful acts. It stipulates that the prescribed rules also apply when an employee is working from home.

It includes the post-employment rules prescribed by law for all management personnel.

Lastly, it enacts the law governing the application of ethics and professional conduct provided for therein.

WHEREAS under Article 16 of the Act respecting ethics and professional conduct in municipal matters (R.S.Q., c. E-15.1.0.1, hereinafter referred to as the "AECM"), every municipality must have a code of ethics and professional conduct that sets out the main ethical values of the Municipality and the ethical rules that must guide the conduct of its employees;

WHEREAS the coming into force on November 5th, 2021 of the Act to amend the Act respecting elections and referendums in municipalities, the Act respecting ethics and professional conduct in municipal matters and various legislative provisions (LQ, 2021, c. 31) which, among other things, amended the mandatory content of the code of ethics and professional conduct applicable to municipal employees;

WHEREAS that consequently, a revised by-law must be adopted;

WHEREAS in accordance with the formalities stipulated by the LÉDMM for the adoption of the by-law have been respected, notably those stipulated in Article 18 of this Act;

WHEREAS the Mayor mentioned that the present by-law states that the Municipality's main values pertaining to ethics and good conduct must guide a person's conduct as an employee of the Municipality;

WHEREAS the Municipality adheres to the ethical values and rules of conduct set out in this by-law;

WHEREAS the ethics and professional conduct in municipal matters are essential to ensure and maintain the bond of trust between the Municipality and its citizens;

WHEREAS it is the responsibility of each employee to respect this by-law to ensure that high standards of ethics and professional conduct are met;

WHEREAS failure to comply with the by-law may have consequences for the Municipality and its citizens;

WHEREAS a notice of motion was given by Councillor Louise Cossette at the regular meeting of October 11th, 2023;

WHEREAS the draft agreement was presented at the regular meeting of October 11th, 2023;

WHEREAS the summary presentation of the draft By-law by the Director general;

CONSEQUENTLY, the municipal council decrees the following:

CHAPTER 1: INTRODUCTORY PROVISIONS

1. **Preamble** - The preamble forms an integral part hereof.
2. **Purpose** - The purpose of the present by-law is to establish rules of conduct common to the organization, incorporating the Municipality's ethical values, to ensure behaviour of integrity, loyalty and respect, to ensure a healthy, respectful and civilised working environment to prevent conflicts of interest and to ensure the application of control and correction measures in the event of non-compliance.
3. **Objective** – The objective of the by-law is to establish more stringent norms in matters of ethics and good conduct favouring respect of the Municipality's strategic vision statement.

CHAPTER 2 : DEFINITIONS

4. **Terms used** – In the application of these regulations, the following words are defined as follows, unless a provision indicates otherwise:

« Advantage »	Any advantage of any kind whatsoever, including a gift, donation, favour, reward, service, gratuity, hospitality, remuneration, privilege, preference, compensation, benefit, profit, meal, admission, advance, loan, discount, etc. is considered to be a benefit. However, the notion of benefit does not include any training undertaken in connection with the performance of the employee's duties, whether free of charge or not.
« Conflict of interest »	Any situation where an employee must choose between the Municipality's interest and his personal interest.
« Council »	The Municipality's council.
« Ethics »	Refers to all the rules and duties that govern the function of employees, their conduct and their relations with each other and with other people.
« Employee »	Refers to anyone, unionized or not, including any member of management, who works full time, part time or on occasion for the Municipality and receives a salary.
« Ethics »	Refers to the set of moral principles and values on which employee conduct should be based.
« Confidential information »	A verbal or written information, held on any medium whatsoever or known by the Municipality which is not available to the public, which is not rendered public or for which the confidential character is bestowed by Law, by a by-law or a directive.

« Personal interest » Such an interest is linked to the employee's own person and is distinct from the public in general. With the exception of management employees, working conditions linked to the employee's duties does not constitute a personal interest.

« Superior or immediate superior » Employee representing the first level of authority and exercises direct control of the work of another employee. For the application of the present Code, the Municipality's Director general's immediate is the Mayor, with the necessary superior adjustment.

CHAPTER 3 : SCOPE AND VALUES

5. **Application** - The present by-law applies to all of the employees of the Municipality.

6. **Values** – The Municipality's ethical values for employees are:

- a) Integrity, which implicates proving decency and honesty.
- b) Honour, which requires one to remain worthy of one's duties. It implies restraint and respect for decorum, as well as the obligation not to act in such a way as to cause the public to lose esteem for the municipal administration.
- c) Prudence in the pursuit of the public interest, and in any decision-making or analysis involving one or more choices, prudence requires, in particular, that any employee obtain sufficient information and evaluate the possible options in order to assume the responsibilities incumbent upon it objectively and with discernment in the public interest.
- d) Public interest, which implies making decisions for the greater good of the group and not to benefit private or personal interest to the detriment of the general public of the population of and of the Municipality.
- e) Respect, which implies the treatment of others with respect and consideration. Civility implies showing courtesy, politeness and good manners.
- f) Civility, being a set of implicit or explicit norms which govern behavior favouring harmonious and productive relationships to the benefit of all members of a group. These behaviors reference norms of respect, politeness, courtesy, good manners and cooperation.
- g) Loyalty, which requires exercising ones' duties in the fundamental interest of the Municipality with objectivity and independence of mind. It implies ignoring one's personal interests according to the applicable regulations.
- h) Equity, which implies treating a person fairly, objectively, equally and without discrimination.
- i) Discretion, confidentially and reserve, every employee is bound by discretion in regards to the knowledge obtained while exercising his duties and must respect the confidentiality of confidential information to which he has access. He acts with reserve in his actions as well as in communications.

- j) Professionalism, every employee skillfully exercises his duties with competence and rigor while updating his knowledge to exercise his duties.

Such values must guide every employee's conduct.

CHAPTER 4 : GOOD CONDUCT

7. ***Respect and civility*** – It is prohibited for any employee to conduct themselves, while exercising their duties, in a disrespectful or uncivil manner towards any other person with notably, words, writings or vexatious, denigrating, discriminatory or intimidating gestures.
8. ***Equity***– Each employee must act fairly while exercising his duties, notably in order to avoid any form of harassment or discrimination.
9. ***Credibility and reputation*** – An employee must not discredit the Municipality and thereby damage its credibility or tarnish its image or reputation.
10. ***Loyalty, honesty and integrity*** – All employees must act with loyalty, honesty and integrity towards the Municipality, which implies giving precedence to public interest over their personal interests or those of another person.
11. ***Respect of regulations*** – All employees comply with the regulations, policies, directives, procedures and practices in force.
12. ***Labour input*** – Employees must devote to the Municipality all the necessary and reasonable time required to the normal performance of their duties, including when teleworking.
13. ***Public opinion of opinion*** – All employees must show restraint in the public expression of their opinions. This applies to communications on social media.

CHAPTER 5 : CONFLICTS OF INTEREST

14. ***Objectivity and impartiality*** – All employees must behave impartially and objectively in all circumstances.
15. ***Interest, lobbying and influence***– All employees must at all times, avoid favouring or attempting to favour their personal interests or in an abusive manner, those of any other person to the detriment of the Municipality, which implies in particular taking advantage of their position to influence or attempt to influence the decision of another person.
16. ***Advantages*** – All employees are prohibited, directly or indirectly, from granting, in the course of their duties, an advantage or favour to any other person for the purpose of obtaining preferential treatment or an advantage for themselves, a member of their family, a close relative or any other person.
17. ***Behaviour in the event of a conflict of interest***– When an employee is in a situation of real, apparent or potential conflict of interest, he or she must act in such a way as to put an end to the situation.

In case of doubt, the employee must immediately inform his or her immediate superior and comply with the directives that will then be communicated to him or her.

18. ***After their term of office*** – The following employees are prohibited during the 12 months following the end of their term of office, from holding a position as director or officer of a legal entity, a job or any other position in such a way that he or she or any other person derives an undue benefit from his or her previous duties as an employee of the Municipality :

- a) the Director general and his assistant;
- b) the registrar-treasurer and his assistant;
- c) the treasurer and his assistant;
- d) the registrar and his assistant;
- e) any other management employee of the Municipality.

CHAPTER 6 : DONATION AND TOKENS OF HOSPITALITY

19. ***Donation, token of hospitality and advantage*** – All employees are prohibited from soliciting or accepting any gift, hospitality or other benefit, irrespective of its value, for themselves or another person:

- a) is offered by a supplier of goods or services; or
- b) which may influence his independent judgement in the performance of his duties; or
- c) is likely to compromise his integrity.

20. ***Door prizes*** – When an employee, in the performance of his or her duties, is present at an event and receives a door prize or other benefit of any kind, without the employee having to pay a personal contribution to receive it, the employee must give it to the Municipality, which will decide how to use or dispose of it.

CHAPTER 7 : USE OF MUNICIPAL RESOURCES

21. ***Use of municipal property*** – All employees must use the Municipality's property with care and according to the rules of the trade.

They must use them in accordance with the Municipality's policies, rules and directives.

22. ***Use of resources*** – All employees are prohibited from using, directly or indirectly, the Municipality's resources for personal purposes or fore purposes other than activities related to the performance of their duties, subject to a specific policy, authorization or directive from the Municipality allowing such use.

The first paragraph does not apply :

- a) When an employee uses, under non-preferential conditions, a resource generally available to citizens; or
- b) In the case of a force majeure where the health and safety of one or more persons is endangered.

23. ***Digital resources*** - The use and access by an employee to digital or electronic resources, including computerized or cloud-based data, must be stored securely and in such a way as to protect the integrity and confidentiality of the information contained therein.

CHAPTER 8 : EMPLOYEE ETHICS

24. ***Professionalism*** – All employees must demonstrate rigour, professionalism, courtesy and good faith in the performance of their duties.

They must be diligent and punctual.

25. ***Confidential information*** – All employees are prohibited from using, communicating or attempting to use or communicate confidential information, within the meaning of these regulations, obtained in the course of or in connection with the performance of their duties.

26. **Protection of confidentiality** – All employees must take the necessary reasonable measures to ensure and preserve the protection of confidential information, notably when using technological tools.

Should confidential information be in doubt, the employee must notify his immediate superior of the person responsible for the Act respecting access to documents held by public bodies and the protection of personal information (RLRQ, ch. A-2.1).

The obligations stipulated in the previous paragraphs continue to apply after the termination of employment with regards to confidential information which he is aware of while exercising his duties.

27. **After-term confidentiality** - Despite the end of his employment, an employee must respect the confidentiality of all information, all debates, exchanges and conversations of confidential nature that he has knowledge of while exercising his duties.

28. **Communication of information** – While exercising their duties, all employees must previously obtain authorisation from their immediate superior or Director general of the Municipality to publish, divulge, communicate, publish or comment to any representative of media, any information or document linked to the carrying out of his duties.

29. **Consumption of alcohol and other substances** – It is prohibited for any employee to drink or distribute, while carrying out his duties or at his place of work, alcohol, drugs, medication or any substance which may affect his judgement or hinder the safe execution of his work or the work of any other person.

Despite the first paragraph, an employee who, while exercising his duties, must participate in an event where alcoholic beverages are offered, does not contravene to the by-law if he respects the Policy regarding alcohol, cannabis, drugs, medication and any other similar substance.

30. **Health and safety at work** – During the execution of his duties, an employee must take the necessary measures to protect his health, safety and integrity as well as that of any other person.

31. **Double remuneration** – When an employee is remunerated or receives a form of payment from the Municipality to sit on an external organization, he must refuse any remuneration, attendance token, fee or any other form of retribution from this organization which results in said person receiving double remuneration, unless authorized by the Municipality.

32. **Partisan activities** – In order to preserve the public's trust regarding the municipal election process and to ensure the respect of loyalty principles and political neutrality, an employee may engage in a partisan activity pertaining to a municipal election only when this activity is not likely to impair his ability to perform his in accordance to the present Code.

Despite the first paragraph, the following cannot engage in a partisan type activity:

- a) The Director general (or Director general and registrar-treasurer) and his assistant;
- b) The Registrar (or the Registrar-treasurer) and his assistant;
- c) The treasurer and his assistant;
- d) Any other member of management;

33. **Public announcement** – All employees are prohibited from announcing, at the time of political financing, the undertaking of a project, the conclusion of a contract or awarding of a grant by the Municipality, unless a final decision regarding the project, contract or grant has already been taken by the Municipality's competent authority.

34. **Political activities** - Nothing, in the previous section, prohibits an employee from attending a political meeting, paying a contribution to a party or to a candidate according to the Law, from becoming a member of a political party or sign a declaration of candidacy or authorization request.

Notwithstanding the above, the first paragraph does not apply to the registrar (or registrar-treasurer), treasurer or their respective assistants, nor to any other employee while they are members of the electoral personnel.

35. **Wrongdoing** – All employees are prohibited from committing any wrongdoing in the sense of the Act to facilitate the disclosure of wrongdoings relating to public bodies (RLRQ, c. D-11.1).

Is notably considered as wrongdoing, a serious breach of ethical and professional standards.

36. **Misappropriation of resources or funds** – All employees are prohibited from misappropriation to their advantage, or for their own use or advantage or for use by a third party, a resource, a good or an amount of money from the Municipality unless it pertains to a service or an activity generally offered by the Municipality.

37. **Knowledge of the by-law** – Upon its entering into effect, a copy of the by-law is given to each employee who should take note of it.

A copy of the by-law is also given to every new employee who begins working for the Municipality, who should take note of it.

All employees must acknowledge receipt as well as attest to having read the document, by completing the form provided for this purpose included in Annex in the present by-law.

This attestation must be given to the Municipality's registry department.

38. **Obligation to disclose** – All employees who must be put in a situation which contravenes to the by-law or that is susceptible to contravening to it must notify his immediate superior without delay.

CHAPTER 9 : APPLICATION OF BY-LAW

39. **Responsible for application** – The application of the by-law is the responsibility of the Municipality's Director general.

Should the Director general be involved in a complaint or be reported, this must be communicated to the Mayor who is responsible for applying the present by-law pertaining to this situation.

40. **Retaliation** – Any employee who makes, in good faith, a complaint or assists in a verification of inquiry pertaining to a situation giving reason to believe that a breach to the present by-law has been committed or is on the verge of being committed must not be subjected to any retaliation whatsoever.

41. **Confidentiality of complaints** – Any complaint, report or any information communicated to the Municipality pertaining to a situation giving a reasonable reason to believe that a breach to the present by-law has been committed or is about to be committed is treated confidentially.

42. **Obligation to collaborate** – All employees are responsible for cooperating in inquiries and verifications made by the Municipality pertaining to the application of the present by-law.

Failure to cooperate can entail disciplinary sanction.

43. **Sanctions** – Any failure by an employee to comply with this by-law may, by decision of the municipal council or the Director general, if the latter has the power to do so in accordance with the law, and in compliance with any employment contract, result in the application of any penalty appropriate to the nature and seriousness of the failure.

44. **Sanctions post-employment** – In the case of a breach to the present by-law committed after the end of an employee's employment, the Municipality may, depending on the circumstances and at its entire discretion, contact any legal or administrative authority instance to ensure the application of the present by-law, obtain compensation or protect its rights.

CHAPTER 10 : FINAL PROVISIONS

45. **Repeal** – This by-law repeals and replaces By-law (496-2012) Code d'éthique et de déontologie des employés de la Municipalité de Morin-Heights.

46. **Entering into effect** - The present by-law enters into effect on the day of its publication.



Timothy Watchorn
Mayor



Hugo Lépine
Director general – registrar-treasurer