CANADA
PROVINCE OF QUEBEC
MRC VALLEE-DE-LA-GATINEAU
MUNICIPALITY OF KAZABAZUA

BY-LAW NO. 2018-017

BY-LAW № 2018-017 AMENDING BY-LAW NO. 2016-04 CODE OF ETHICS AND PROFESSIONAL CONDUCT FOR MUNICIPAL EMPLOYEES

WHEREAS the *Act on Ethics and professional conduct in municipal matters* (RLRQ c. E-15.1.0.1), creates the obligation for all local municipalities to adopt a code of ethics and professional conduct that sets out the main values of the Municipality on ethics and rules that should guide the conduct of the employees therein;

WHEREAS the Municipality adopted the By-Law No. 2016-04 Code of Ethics and Professional Conduct for municipal employees to comply with the Act (hereinafter designated as « By-Law No. 2016-04 »);

WHEREAS following the adoption of the Act to amend various legislative provisions concerning municipal provisions in municipal matters regarding, in particular, the rules following the mandate of the employees (L.Q. 2018, chapter 8), the Municipality must amend the Code of Ethics for Municipal Employees;

WHEREAS a notice of motion has been previously given, pursuant to the Act, at the ordinary meeting held on August 7, 2018 that a read request for exemption was requested and that each of the council members present acknowledges having received copy of the draft By-Law and declares to have read and waives its reading;

WHEREAS the formalities prescribed in the Act have been met

THEREFORE, IT IS PROPOSED by Sylvain La France, **SECONDED** by Paul Chamberlain and resolved:

THAT the municipal Council adopts By-Law No. 2018-017 to amend the By-Law No. 2016-04, as follows:

PREAMBULE

The preamble of this By-Law forms an integral part.

SECTION 1: TITLE

The title of this By-Law: « By-Law No. 2018-017 Amending By-Law No. 2016-04 on the Code of Ethics and Professional Conduct for municipal employees »

SECTION 2: APPLICATION OF THE CODE

This code applies to every employee of the Municipality of Kazabazua.

SECTION 3: OBJECTIVES OF THE CODE

The objectives of the code are as follows:

1) Give priority to the municipality's values;

2) Institute standards of conduct that foster the adoption of these values;

3) Prevent ethical conflicts and, should any arise, resolve them effectively and with good judgment;

4) Apply control measures to breaches of ethics.

SECTION 4: VALUES OF THE MUNICIPALITY

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

1) Integrity

All employees shall uphold honesty, rigour and justice.

2) Prudence in the pursuit of the public interest

All employees shall assume the responsibilities related to their mission of public interest. In the accomplishment of this mission, the employees shall act with professionalism, vigilance and good judgment.

3) Respect toward other municipal employees, council members and citizens

All employees shall foster respect in interpersonal relations. They have a right to respect and shall act with respect toward all people they deal with in the pursuit of their duties.

4) Loyalty to the municipality

All employees shall protect the interests of the municipality by upholding its laws and by-laws.

5) Quest for equity

All employees shall treat everyone fairly, in accordance with laws and by-laws.

6) Honour attached to the office of municipal employee

All employees shall safeguard the honour attached to their office, which presupposes the constant practice of the five preceding values: integrity, prudence, respect, loyalty and equity.

SECTION 5: RULES OF CONDUCT

5.1 Application

The rules set out in this section shall guide the conduct of municipal employees.

5.2 Objectives

These rules aim, in particular, to prevent:

1. any situation where the private interest of an employee might impair his or her independence of judgment in carrying out the duties of office;

2. any situation that would run counter to any provision of a government law or by-law or a municipal council by-law or an employee guideline;

3. favouritism, embezzlement, breach of trust or other misconduct.

5.3 Conflicts of interest

5.3.1 It is forbidden for employees to act or attempt to act, or omit to act, in any way, in carrying out their duties, so as to further their private interests or improperly further those of another person.

5.3.2 It is forbidden for employees to use their position to influence or attempt to influence another person's decision so as to further their private interests or improperly further those of another person.

5.3.3 It is forbidden for employees to solicit, elicit, accept or receive any benefit, for themselves or for another person, in exchange for taking a position.

5.3.4 It is forbidden for employees to accept any gift, hospitality or other benefit, whatever its value, that may impair their independence of judgment in carrying out their duties or risk compromising their integrity.

If an employee receives any gift, mark of hospitality or other benefit that is not of a purely private nature or not prohibited under subsection 5.3.4, but that exceeds $200 in value, the employee must file a written disclosure statement with the (clerk) (secretary-treasurer) of the municipality within 30 days of receiving the benefit. The disclosure statement must contain an accurate description of the gift, mark of hospitality or benefit received, and states the name of the donor, the date and the circumstances under which it was received. The (clerk) (secretary-treasurer) shall keep a public register of these disclosure statements.

5.4 Use of municipal resources

It is forbidden for employees to use municipal resources for personal purposes or for any purpose other than activities related to their duties, subject to a specific policy controlling that use.

This ban does not apply when an employee uses, under non-preferential conditions, a resource placed at the disposition of the citizens.

5.5 Use or communication of confidential information

Employees must not make use of confidential information they obtain in or in connection with the execution of their duties. These obligations continue for a reasonable time after the cessation of employment and continue indefinitely when the information relates to the reputation or private life of others.

5.6 Breach of trust and embezzlement

It is forbidden for employees to misappropriate municipal property for their own use or the use of another person.

5.7 Financing policy and public announcement

It is prohibited for all employee, employed by the office of a council member, to make the announcement at a political fundraising event, realization of a project, the conclusion of a contract or a grant by the municipality, unless a final decision on this project, contract or grant has already been taken by the competent authority of the Municipality.

2018-09-209
Modification

5.8 Rules following the mandate of the employees

Within twelve months after the end of the employment relationship with the municipality, the following persons are prohibited:

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 deputy;

to hold office as a director or officer of a corporation, employment or other function so that he or any other person derives an undue advantage from their former position.

2018-09-209
Modification

5.9 Sobriety

An employee is prohibited from consuming or inciting anyone to consume an alcoholic beverage or illegal drug including cannabis while working. An employee cannot be under the influence of such alcoholic drink or drug including cannabis while performing his work.

However, an employee who, in the course of his duties, attends an event such as a convention where alcoholic beverages are served does not contravene this rule if he makes reasonable use of it.

SECTION 6: PREVENTION MECHANISM

Employees who feel they have been 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, shall advise their immediate supervisor.

In the case of the director general, he or she must advise the mayor.

SECTION 7: BREACH AND DISCIPLINARY MEASURES

A violation by an employee of a rule set out in this code of ethics and professional conduct may, on the decision of the municipality and subject to any employment contract, lead to the application of disciplinary measures appropriate to the nature and severity of the violation.

2018-09-209
Modification

Any complaint from citizens under this Code must:

1. be filed confidentially with the Director General, who will, if necessary, determine whether there has been a contravention of the Code of Ethics and Conduct:
2. be complete, be written, motivated and accompanied, if applicable, by any supporting document, and come from any person who is aware of a breach of this Code of Ethics and Conduct.

With respect to the Director General and Secretary-Treasurer, any complaint must be filed with the Mayor of the Municipality. Paragraphs 1 and 2 of the preceding paragraph apply with the necessary modifications.

No penalty may be imposed on an employee without the employee:

1. has been informed of the reproach addressed to him;
2. had the opportunity to be heard.

SECTION 8: OTHER CODE OF ETHICS AND PROFESSIONAL CONDUCT

This code shall not be interpreted to restrict the obligations imposed on municipal employees by laws, by-laws, code of professional conduct, work contracts including collective agreements, policies or municipal guidelines.

SECTION 9: ENTRY INTO FORCE

This by-law shall come into force in accordance with the law.

Pierre Vaillancourt

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Mayor Director General / Secretary-Treasurer

Notice of motion given August 7, 2018
Project By-Law presented and deposited August 7, 2018
Employees consultation August 28, 2018
Public notice given August 8, 2018
By-Law adopted September 4, 2018
Publication of the notice of promulgation September 6, 2018