

**CANADA
PROVINCE OF QUEBEC
MRC ARGENTEUIL
MUNICIPALITY OF THE TOWNSHIP OF ARUNDEL**

**BY-LAW NUMBER 294-2022 ENACTING THE CODE OF
ETHICS AND DEONTOLOGY FOR EMPLOYEES OF THE
MUNICIPALITY OF THE TOWNSHIP OF HARRINGTON**

WHEREAS *the Municipal Ethics and Deontology Act (LEDMM)*, assented to on December 2nd, 2010, created the obligation for all local municipalities to adopt a code of ethics and deontology that sets out the main values of the Municipality in terms of ethics and the rules that must guide the conduct of employees;

WHEREAS *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*, commonly known as "PL 49" and assented to on November 5, 2021, requires the 'addition of a rule relating to the receipt of a gift or advantage by an employee;

WHEREAS in accordance with Article 18 of the LEDMM, any decision relating to the adoption of the Code of Ethics and Professional Conduct is taken by regulation;

WHEREAS a notice of motion was given at a council meeting held on April 28th, 2022;

WHEREAS the adoption was preceded by the presentation and filing of a draft by-law dated April 28th, 2022 as well as an employee consultation on the draft by-law which was held on May 2nd, 2022;

WHEREAS in accordance with section 12 of said Act, a public notice containing a summary of the draft by-law was published on April 29th, 2022;

WHEREAS council deems it appropriate, essential and in the public interest to comply with the requirements of the Act by amending the Code of Ethics and Professional Conduct for Municipal Employees;

FOR THESE REASONS,

**THE COUNCIL OF THE MUNICIPALITY OF HARRINGTON
ENACTS THE FOLLOWING;**

Article 1 Preamble

The preamble of this regulation is an integral part of it.

Article 2 Purpose

The purpose of this by-law is to replace the Code of ethics and professional conduct for employees of the Municipality, in particular, to

add a clarification concerning gifts and benefits received by a municipal employee.

Article 3 Code of ethics and professional conduct for employees

The Code of Ethics and Professional Conduct for employees of the Municipality of the Township of Harrington, attached as appendix A is adopted.

Article 4 Acknowledgment 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. The employee must certify to the general manager, on the form provided for this purpose that he has received a copy and has read it within ten (10) days of receipt. The completed certificate is placed in the employee's file.

The mayor receives a copy of the certificate from the director general and clerk-treasurer.

Article 5 Replacement

This by-law replaces the following by-laws:

- By-law number 208-2012 aimed at adopting the code of ethics and professional conduct for municipal employees adopted on November 5th, 2012;
- By-law number 263-2016 amending by-law 208-2012 aimed at adopting the code of ethics and professional conduct for employees of the Municipality of the Township of Harrington adopted on September 23rd, 2016;
- By-law number 263-2-2018 modifying by-law 208-2012 as amended, the purpose of which is to adopt the code of ethics and professional conduct for employees of the Municipality of the Township of Harrington, adopted on October 15th, 2018.

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

Article 6 Entry into force

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

Pierre Richard
Mayor

France Bellefleur, CPA, CA
Director General and
Clerk-treasurer

Notice of motion: April 28th, 2022
Adoption: May 9th, 2022
Entry into force: May 10th, 2022

ANNEX A
CODE OF ETHICS AND DEONTOLOGY
MUNICIPAL EMPLOYEES

1. Presentation

This "Code of ethics and professional conduct for municipal employees of the Municipality of the Township of Harrington" is adopted under articles 2, 16 and 18 of the Act respecting ethics and professional conduct in municipal matters (L.R.Q, c .E-15.1.0.1).

Under the provisions of this law, the Municipality of the Township of Harrington must adopt a code of ethics and professional conduct by-law for municipal employees which sets out the main values of the Municipality in terms of ethics and the rules which must guide their conduct according to the application and control mechanisms provided for this purpose.

2. Values

2.1 The values of the Municipality in terms of ethics are:

- 1° the integrity of municipal employees;
- 2° the honor attached to the functions of an employee of the Municipality;
- 3° prudence in the pursuit of the public interest;
- 4° respect and civility towards members of the municipal council, other employees of the Municipality and citizens, including during communications on the web and social media;
- 5° loyalty to the Municipality;
- 6° the search for 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 should guide any employee to whom they apply in assessing the ethical rules that apply to him, from a perspective of public interest.

3. The general principle

3.1 The employee must carry out his duties and organize his professional activities in such a way as to preserve and maintain public confidence in the Municipality.

4. Objectives

4.1 The rules provided for in this Code are intended to prevent, in particular:

- 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 go against the values set out in this Code of Ethics and Professional Conduct;
- 3° favouritism, embezzlement, breach of trust or other misconduct.

5. Interpretation

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

- 1° advantage: any advantage, of whatever nature, as well as any promise of such an advantage;
- 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 his work. In the case of the director general, the immediate superior is the mayor.

6. Scope

6.1 This Code applies to all employees of the Municipality.

6.2 The Municipality may add to this Code: regulations, policies or directives to which employees are bound and which, in the event of contravention, are likely to result in disciplinary action. In case of incompatibility, the Code prevails.

6.3 A law, a federal or provincial regulation as well as an employment contract to which the Municipality is a party prevail over any incompatible provision of this Code.

6.4 The Code is in addition to any other code of ethics or professional conduct to which the employee is subject, in particular under the Professional Code (L.R.Q., c. C 26) or a law governing a profession mentioned therein. . The Municipality cannot, however, under this Code or otherwise, force an employee to contravene another code of ethics or professional conduct adopted under a law.

7. General obligations

7.1 The employee must:

- 1° to perform the work inherent in his duties, with diligence;
- 2° to respect this Code as well as the policies, rules and directives of the employer;
- 3° respect its duty of confidentiality towards the Municipality. He must not harm the dignity or reputation of his employer or, when there is a link with his work, that of a member of council, of another employee of the Municipality;
- 4° to act with integrity and honesty;
- 5° at work, be dressed appropriately;
- 6° communicate to his employer any information brought to his knowledge and that he knows to be relevant for the Municipality.

7.2 During an election to the Council of the Municipality, this Code must not be interpreted as prohibiting an employee from performing an act that the Act respecting elections and referendums in municipalities (RSQ, c. E-2.2) declares that it does not constitute work of a partisan nature;

7.3 This Code shall not be interpreted or applied as preventing the employee from taking all reasonable measures to protect his health, his safety or his physical and mental integrity, or that of another person.

8. Specific obligations

8.1 RULE 1 – Conflicts of interest

8.1.1 An employee must avoid any situation where he must knowingly choose between the interest of the Municipality and his personal interest or, abusively, that of any other person.

8.1.2 The employee must:

1° faithfully perform his duties in accordance with applicable legislation, including the regulations in force at the Municipality or in any other municipal body;

2° refrain from having knowingly, directly or indirectly, by himself or his associate, a contract with the Municipality. However, this prohibition does not apply to a contract authorized by law;

3° when a situation is likely to place him in a conflict of interest, inform his superior.

8.1.3 Without limiting the particularity of the foregoing, it is forbidden for any employee:

1° 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 person;

2° availing himself of his position to influence or attempt to influence the decision of another person in such a way as to promote his personal interests or, in an abusive manner, those of any other person.

8.2 RULE 2 – Benefits

8.2.1 It is forbidden for any employee:

1° soliciting, inducing, accepting or receiving, for himself or for another person, any advantage whatsoever in exchange for a decision, an act, the omission to decide or act, or the exercise of any influence whatsoever within the framework of its functions;

2° to accept any gift, any sign of hospitality or any other advantage, whatever its value, which is offered by a supplier of goods or services or which may influence his independence of judgment in the performance of his duties or which risks compromising its integrity.

8.2.2 It is permissible to accept an advantage that is not offered by a supplier of goods or services if the following three conditions are met:

1° he is received in accordance with a rule of courtesy, protocol, hospitality or custom;

2° it does not consist of a sum of money or any financial security such as a share, a bond or a 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 superior. The declaration must be entered in a register kept for that purpose by the clerk-treasurer.

8.3 RULE 3 – Discretion and confidentiality

8.3.1 An employee shall not knowingly use, communicate or attempt to use or communicate any information obtained in the performance of or in connection with the performance of his duties and which is not generally available to the public, to further their personal interests or, abusively, those of any other person.

8.3.2 The employee must take all reasonable measures to ensure the protection of confidential information, in particular during electronic communication.

8.3.3 In case of doubt, the employee must contact the person responsible for applying the *Act respecting access to documents held by public bodies and the protection of personal information* to ensure the public or confidential nature of the information.

8.4 RULE 4 – Use of Municipal Resources

8.4.1 It is forbidden for an employee to use the resources of the Municipality for personal purposes or for purposes other than the performance of his duties.
However, this prohibition does not apply to the use of resources on non-preferential terms, made available to citizens.

8.4.2 The employee must:

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

8.5 RULE 5 – Respect for people

8.5.1 The relationship of an employee with a co-worker, a member of the Council of the Municipality or any other person must be based on respect, consideration and civility.

8.5.2 The employee must:

- 1° act fairly in the performance of their duties and must not give preferential treatment to one person to the detriment of others;
- 2° refrain from making abusive remarks or from harassing a person by attitudes, words, gestures that may undermine their dignity or integrity;
- 3° use language appropriate to the performance of his duties.

8.6 RULE 6 – Duty of loyalty

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

8.7 RULE 7 – Sobriety

8.7.1 An employee is prohibited from consuming or encouraging anyone to consume any alcoholic beverage or drug while on the job. An employee cannot be under the influence of such drink or drug while performing his job.

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

8.8 RULE 8 - Announcement at Political Fundraising Event

8.8.1 It is forbidden for any employee to announce, during a political fundraising activity, the realization of a project, the conclusion of a contract or the awarding of a grant by the municipality unless a final decision regarding this project, contract or grant has already been made by the competent authority of the municipality.

8.9 RULE 9 – Obligations upon termination of employment

8.9.1 The following employees of the municipality are prohibited from:

- 1) The Director General and his assistant;
- 2) The clerk-treasurer and his assistant;
- 3) The treasurer and his assistant;
- 4) The clerk and his assistant;

within twelve (12) months following the end of his employment to occupy a position of director or officer of a legal person, a job or any other function in such a way that he or any other person draws a undue advantage of his previous duties as an employee of the municipality.

9. Penalties

9.1 A breach of this Code may result, upon decision of the municipal council or the director general – if the latter has the power to do so in accordance with the Act, a regulation or a resolution – and in compliance with any contract of work, the application of any sanction appropriate to the nature and seriousness of this breach.

9.2 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, go to court to obtain compensation or, in general, to protect its rights.

9.3 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 misconduct alleged.

10. Enforcement and control

10.1 Any citizen complaint under this Code must:

1° be filed in a confidential envelope with the director general and clerk-treasurer, who will, if necessary, determine whether there has been a violation of the Code of ethics and professional conduct;

2° be complete, be written, reasoned and accompanied, if necessary, by any supporting document, and come from any person having knowledge of a breach of this Code of ethics and professional conduct.

10.2 With regard to the Director General and Clerk-Treasurer, any complaint must be filed with the mayor of the Municipality. Subparagraphs 1° and 2° of the preceding paragraph apply with the necessary adaptations.

10.3 No sanction may be imposed on an employee unless the latter:

1° has been informed of the reproach addressed to him;

2° has had the opportunity to be heard.

CERTIFICATE

RECEPTION AND FAMILIARIZATION OF THE CODE OF ETHICS AND DEONTOLOGY FOR EMPLOYEES OF THE MUNICIPALITY OF THE TOWNSHIP OF HARRINGTON

I, the undersigned, _____|name of employee|, _____|job function|, confirm that I have received a copy of the Code of ethics and professional conduct for employees of the Municipality of the Township of Harrington.

I also confirm that I have read the rules mentioned therein.

For the administration

I confirm that I have received this certificate dated _____|date| and have it placed in the employee's file on this _____|date|.

Name and signature of the person in charge