

PROVINCE OF QUEBEC

BY-LAW NUMBER 01-2022 ESTABLISHING THE

CODE OF ETHICS AND CONDUCT OF EMPLOYEES OF THE MUNICIPALITY OF THORNE

WHEREAS the Law on ethics and professional conduct in municipal matters (LEDMM), assented to on December 2, 2010, created the obligation for all local municipalities to adopt a code of ethics and professional conduct which sets out the main values of the Municipality in matters of ethics and the rules which 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 called "PL 49" and assented to on November 5, 2021, requires the " addition of a rule relating to the receipt of a gift or benefit 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 made by regulation;

WHEREAS a notice of motion was given at a council meeting held on January 11th, 2022;

WHEREAS the adoption was preceded by the presentation and filing of a draft by-law dated January 11th, 2022;

WHEREAS in accordance with section 12 of the said Act, a public notice containing a summary of the draft regulation was published on January 12, 2022;

WHEREAS Council deems it opportune, essential and in the public interest to comply with the requirements of the Act by amending the Code of ethics and professional conduct for employees of the Municipality;

FOR THESE REASONS,

It is moved by R. CHARETTE seconded by R. BLASKIE and unanimously resolved;

THAT the following by-law be adopted:

Article 1 Preamble

The preamble to these regulations forms an integral part thereof.

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 precision concerning the gifts and benefits received by a municipal employee.

Article 3 Code of ethics and professional conduct of employees

The Code of ethics and professional conduct of employees of the Municipality of Thorne, attached in Appendix A is adopted.

Article 4 Familiarization with 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 Director General, on the form provided for this purpose, that he has received a copy and 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 by-law # 09-2018 enacting a code of ethics and professional conduct for municipal employees.

Any mention or reference to a code of ethics and professional 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

These regulations come into force in accordance with the law.

ADOPTED BY THE MUNICIPAL COUNCIL ON FEBRUARY 1, 2022

Karen Kelly
Mayor

Stacy Lafleur
Director General

ANNEX A

CODE OF ETHICS AND CONDUCT

MUNICIPAL EMPLOYEES

1. Presentation

This "Code of ethics and professional conduct of municipal employees of the Municipality of Thorne is adopted by virtue of articles 2, 16 and 18 of the Law on ethics and professional conduct in municipal matters (LRQ, c. E-15.1.0.1).

Under the provisions of this law, the Municipality of Thorne must adopt by by-law a code of ethics and professional conduct for municipal employees which sets out the main values of the Municipality in matters 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 matters of ethics are:

- 1 ° the integrity of municipal employees;
- 2 ° the honor attached to the functions of 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 stated in this Code.

3. The general principle

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

4. The 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 run counter to the values set out in this Code of Ethics and Professional Conduct;

3 ° favoritism, embezzlement, breach of trust or other misconduct.

5. Interpretation

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

1 ° benefit: 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 holds because of his employment relationship with the Municipality;

4 ° immediate supervisor: person who represents the first level of authority above an employee and who exercises control over his/her 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 a violation, are liable to result in disciplinary action. In the event 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 (RSQ, c. C 26) or a law governing a profession mentioned therein. . The Municipality may not, however, under this Code or otherwise, force an employee to contravene another code of ethics or professional conduct adopted by law.

7. General obligations

7.1 The employee must:

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

7.2 During an election to the Municipality's council, 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 an employee from taking all reasonable measures to protect his or her health, safety or physical and mental integrity, or that of any other 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 assume its functions in accordance with applicable legislation, including the regulations in force in the Municipality or in any other municipal body;

2 ° to refrain from knowingly, directly or indirectly, by himself or by his partner, a contract with the Municipality. This prohibition does not, however, apply to a contract authorized by law;

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

8.1.3 Without limiting the particularity of the above, 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 ° to avail himself of his office to influence or attempt to influence the decision of another person so as to promote his personal interests or, in an abusive manner, those of any other person.

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

8.1.3 Without limiting the particularity of the above, 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 ° to avail himself of his office to influence or attempt to influence the decision of another person so 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 ° to solicit, elicit, accept or receive, for himself or for another person, any advantage whatsoever in exchange for a decision, an act, the failure to decide or " to act, or to exercise any influence whatsoever in the course of his duties;

2 ° to accept any gift, any token 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 exercise of his functions or which risks compromising its integrity.

8.2.2 However, it is not prohibited to accept a benefit that is not offered by a supplier of goods or services if the following three conditions are met:

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 of any financial security such as a share, a bond or a commercial paper;

3 ° it is not likely to leave any doubt as to the integrity, independence or impartiality of the employee.

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 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.

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

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

8.4 RULE 4 - Use of Municipality 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 with care property of the Municipality. He must make use of it, for the performance of his work, in accordance with 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 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.

8.5.2 The employee must:

1 ° act fairly in the performance of their duties and must not grant preferential treatment to one person to the detriment of others;

2 ° refrain from using offensive remarks or harassing a person by attitudes, words or gestures that could undermine their dignity or integrity;

3 ° use appropriate language in the performance of their duties.

8.6 RULE 6 - The 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 It is forbidden for an employee to consume or induce anyone to consume alcoholic beverages or drugs during their work. An employee cannot be under the influence of any particular drink or drug while performing his job.

8.8 RULE 8 - Announcement during political fundraising activity

8.8.1 It is prohibited for any employee 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 grant by the municipality unless a final decision regarding this project, contract or grant has already been taken by the competent authority of the municipality.

8.9 RULE 9 - Post-mandate or Obligations following the end of his employment

8.9.1 The following municipal employees are prohibited:

- 1) The director general and his deputy;
- 2) The clerk-treasurer and his assistant;
- 3) The treasurer and his assistant;
- 4) The registrar and his deputy;

to hold a position of director or officer of a legal person, a job or any other function such that he or any other person takes unfair advantage of his or her previous duties as an employee of the municipality.

9. Sanctions

9.1 A breach of this Code may result, by decision of the Municipality's council or of the director general if the latter has the power to do so in accordance with the Law, a by-law or a resolution - and in respect of 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, apply to the courts for redress 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 alleged fault.

10. Enforcement and control

10.1 Any complaint from citizens with regard to this Code must:

1 ° be filed in a confidential envelope with the director general (and assistant), who will, if applicable, determine whether there has been a violation of the Code of Ethics and Professional Conduct;

2 ° be complete, be in writing, give reasons and be accompanied, if applicable, by any supporting documents, 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 assistant), all complaints must be lodged with the mayor of the Municipality. Paragraphs 1 ° and 2 ° of the previous paragraph shall apply with the necessary adaptations.

10.3 No sanction may be imposed on an employee without the latter:

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

2 ° had the opportunity to be heard.

CERTIFICATE OF RECEIPT AND OF KNOWLEDGE OF THE CODE OF ETHICS AND CONDUCT

**CERTIFICATE
RECEPTION AND KNOWLEDGE OF THE
CODE OF ETHICS AND CONDUCT OF EMPLOYEES OF THE MUNICIPALITY OF THORNE**

I, the undersigned _____, confirm that I have received a copy of the Code of ethics and professional conduct for employees of the Municipality of Thorne.

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

Employee Signature

Date of signature

ADMINISTRATION
I confirm that I have received this certificate dated _____ and have it placed in the employee's file on _____ 2022.

Signature of person responsible

