



CANADA
PROVINCE OF QUEBEC
BROME-MISSISQUOI RCM
MUNICIPALITY OF WEST BOLTON

BY-LAW NUMBER 462-2024
ENACTING THE CODE OF ETHICS AND PROFESSIONAL CONDUCT FOR EMPLOYEES OF
THE MUNICIPALITY OF WEST BOLTON AND REPEALING BY-LAW 385-2022
ESTABLISHING THE CODE OF ETHICS AND PROFESSIONAL CONDUCT FOR MUNICIPAL
EMPLOYEES

WHEREAS the *Municipal Ethics and Good Conduct Act (MEGCA)*, assented to on December 2, 2010, created the obligation for all local municipalities to adopt a Code of Ethics and Professional Conduct 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 Municipal Ethics and Good Conduct Act and various legislative provisions*, commonly known as Bill 49 and assented to on November 5, 2021, requires the addition of a rule relating to receiving gifts or benefits by employees;

WHEREAS, under Section 18 of the MEGCA, any decision relating to the adoption of the Code of Ethics and Professional Conduct has to be made through a by-law;

WHEREAS notice of motion was given at a Council sitting of August 12, 2024;

WHEREAS the adoption was preceded by the presentation and tabling of a draft by-law dated August 12, 2024, as well as a consultation of employees on the draft by-law held on July 29, 2024;

WHEREAS, pursuant to section 12 of the said Act, a public notice containing a summary of the draft by-law has been published as provided for in the Act;

WHEREAS Council considers 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;

THEREFORE,

it is moved by _____,

seconded by

and resolved unanimously by the Councillors present, that the following by-law be adopted:

Article 1 Preamble

The preamble to this By-law shall form 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, specifically, to add a clarification concerning gifts and benefits received by a municipal employee.

Article 3 Employee Code of Ethics and Professional Conduct

The Code of Ethics and Professional Conduct for Employees of the Municipality of West Bolton, attached as Appendix A, is adopted.

Article 4 Familiarity with the Code of Ethics and Professional Conduct

A copy of the Code of Ethics and Professional Conduct is given to every employee of the Municipality. Within ten days of receiving it, the employee must certify to the Director General and Clerk-Treasurer, on the form provided for this purpose, that he/she has received a copy and read it. The signed attestation is placed in the employee's file.

The mayor shall receive a copy of the attestation from the Director General and Clerk-Treasurer.

Article 5 Replacement

This by-law replaces By-law number 385-2022 enacting a Code of Ethics and Professional Conduct for municipal employees, adopted on April 11, 2022.

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

This By-law shall enter into force in accordance with the law.

ADOPTED BY THE MUNICIPAL COUNCIL, SEPTEMBER 26, 2024

Denis Vaillancourt
Mayor

Monique Pépin
Acting Director General and
Clerk-Treasurer

APPENDIX A
CODE OF ETHICS AND PROFESSIONAL CONDUCT
MUNICIPAL EMPLOYEES

1. Presentation

This "Code of Ethics and Professional Conduct for Employees of the Municipality of West Bolton" is adopted pursuant to sections 2, 16 and 18 of the *Municipal Ethics and Good Conduct Act (R.S.Q., c. E-15.1.0.1)*.

Under the provisions of this Act, the Municipality of West Bolton must adopt, through a by-law, a Code of Ethics and Professional Conduct for municipal employees that sets out the main values of the Municipality in terms of ethics and the rules that must guide their conduct according to the enforcement and control mechanisms envisaged for this purpose.

2. Values

2.1 The Municipality's ethical values are as follows:

- 1° integrity of municipal employees;
- 2° honour related 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 need 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 must guide every employee in assessing the ethical rules applicable to him/her, from a public interest perspective.

3. General Principle

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

4. Objectives

4.1 The rules set out in this Code are meant to prevent:

- 1° any situation where the employee's interest may influence his or her independent judgment in the performance of his or her duties;
- 2° any situation that would be contrary to the values set out in this Code of Ethics and Professional Conduct;
- 3° favouritism, embezzlement, violation of trust, or other misconduct.

5. Interpretation

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

- 1° **benefits:** any benefit of any kind whatsoever, 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 has by virtue of his employment relationship with the Municipality;

4° **immediate superior**: a person who represents the first level of authority above an employee and who exercises control over his or her work. In the case of the director general, his immediate superior is the mayor.

6. Area of application

6.1 This Code applies to all employees of the Municipality.

6.2 The Municipality may add to this Code by-laws, policies, or directives to which employees are bound and which, in the event of a violation, are likely to result in disciplinary action. In case of any inconsistency, the Code prevails.

6.3 A law, a federal or provincial regulation, and an employment contract to which the Municipality is a party, prevail over any inconsistent 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 subjected, particularly under the *Professional Code (R.S.Q., c. C26)* or an act governing a profession mentioned therein. The Municipality may not, however, under this Code or otherwise, compel an employee to violate any other code of ethics or professional conduct adopted under a statute.

7. General obligations

7.1 Employees must:

1. perform their duties with diligence;
2. comply with this Code and the employer's policies, rules, and guidelines;
3. respect their duty of discretion towards the Municipality, not infringe on the dignity or reputation of the Municipality or, when it is related to their work, on those of a member of Council or another employee of the Municipality;
4. act with integrity and honesty;
5. dress appropriately at work;
6. communicate to their employer any information that comes to their attention and that they know is relevant to the Municipality.

7.2 During an election to the Council of the Municipality, this Code shall not be construed as prohibiting employees from doing anything that does not constitute work of a partisan nature under the *Act respecting elections and referendums in municipalities (RSQ, c. E-2.2)*;

7.3 This Code shall not be construed or applied as preventing employees from taking any reasonable steps to protect their health, safety or physical and mental well-being, or that of another person.

8. Specific Obligations

8.1 RULE 1 – Conflicts of Interest

8.1.1 Employees must avoid any situation where they must knowingly choose between the interest of the Municipality and their personal interests or, in an abusive manner, that of any other person.

8.1.2 Employees must:

- 1° faithfully carry out their duties in accordance with applicable legislation, including the by-laws in force at the Municipality or in any other municipal entity;
- 2° refrain from knowingly, directly or indirectly, by himself or through his partner, having a contract with the Municipality. However, this prohibition does not apply to a contract authorized by law;
- 3° Inform their superior when a situation is likely to put them in a conflict of interest;

8.1.3 Without limiting the particularity of the foregoing, it is forbidden for employees to:

- 1° act, attempt to act, or omit to act so as to further their private interests or the interests of any other person in the performance of their duties;
- 2° use their position to influence or attempt to influence the decision of another person so as to further their private interests or, in an abusive manner, those of any other person.

8.2 RULE 2 –Benefits

8.2.1 It is forbidden for employees to:

- 1° solicit, elicit, accept or receive, for themselves or another person, any benefit whatsoever in exchange for a decision, act, failure to decide or act, or the exercise of any influence whatsoever in the course of their duties;
- 2° accept any gift, hospitality, or any other benefit, regardless of value, offered by a supplier of goods or services or that may influence the person's independent judgement in the performance of his or her duties or that may compromise the supplier's integrity.

8.2.2 A benefit that is not provided by a supplier of goods or services may be accepted if the following three conditions are met:

- 1° it is received as a matter 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 negotiable instrument;
- 3° it is not such as to leave any doubt as to the employee's integrity, independence, or impartiality.

An employee who receives a benefit that meets these conditions must report it to his or her immediate superior. The declaration must be entered in a register kept

for this purpose by the Clerk-Treasurer or the Director General and Clerk-Treasurer.

8.3 RULE 3 – Discretion and Confidentiality

- 8.3.1 Employees shall not knowingly use, communicate, or attempt to use or communicate any information obtained while or in the course of performing their duties and that is not generally available to the public, to further their private interests or the interests of any other person.
- 8.3.2 Employees must take all reasonable measures to ensure the protection of confidential information, including when communicating electronically.
- 8.3.3 In case of doubt, the employee must contact the person responsible for the application of the *Act respecting Access to documents held by public bodies and the Protection of personal information* to verify if the information is public or confidential.

8.4 RULE 4 – Use of the Municipality's Resources

- 8.4.1 It is forbidden for employees to use the resources of the Municipality for personal use or any purpose other than the performance of their duties.

However, this prohibition does not apply to the use, on non-preferential terms, of resources made available to citizens.

- 8.4.2 Employees must:
 - 1° use a property of the Municipality with care. They must use it to perform their work in accordance with policies, rules and directives;
 - 2° always have the authorization or permit required when using a vehicle of the Municipality.

8.5 RULE 5 – Respect for Persons

- 8.5.1 Employees' relationship with a co-worker, a member of Council of the municipality or any other person must be based on respect, consideration and civility.

- 8.5.2 Employees must:
 - 1° act fairly in performing their duties and not give preferential treatment to one person to the detriment of others;
 - 2° refrain from making insulting remarks or harassing a person through an attitude, words or gestures that may undermine their dignity or integrity;
 - 3° use appropriate language in performing their duties.

8.6 RULE 6 – The Duty of Loyalty

- 8.6.1 Employees must be loyal and faithful to their commitments to the employer.

8.7 RULE 7 – Sobriety

8.7.1 Employees are prohibited from consuming or inducing any person to consume an alcoholic beverage or drug while on duty. Employees may not be under the influence of a particular drink or drug while performing their duties.

However, an employee who, in the course of his/her duties, participates in an event where liquor is served is not in contravention of this rule if he/she consumes the liquor reasonably.

8.8 RULE 8 - Announcement at Political Fundraising Events

8.8.1 Employees must not make an announcement at a political fundraising event about the realization of any project, the signing of any contract or the award of any grant by the Municipality unless a final decision on the project, contract or grant has already been made by the competent authority of the Municipality.

8.9 RULE 9 – Post-employment or Obligations After Termination of Employment

The following employees of the municipality are prohibited from holding any position as a director or officer of a corporation, any employment or any other position that may lead them or any other person to take unfair advantage of their former duties as employees of the Municipality:

- 1) The Director General and Clerk-Treasurer;
- 2) The Clerk-Treasurer;
- 3) The Municipal Building and Environment Officer;
- 4) The Public Works and Infrastructure Officer;
- 5)

9. Sanctions

9.1 A violation of this Code may, by decision of the Council of the Municipality or the Director General – if the latter has the power to do so in accordance with the Act, a by-law or a resolution – and in compliance with any employment contract, result in the application of any sanction appropriate to the nature and seriousness of the violation.

9.2 In the event of a violation 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 also recognizes that the discipline imposed will be fair, reasonable, and proportionate to the seriousness of the misconduct.

10. Enforcement and Control

10.1 Any complaint by citizens under this Code shall:

- 1° be filed in a confidential envelope with the Director General and Clerk-Treasurer, who will determine, if applicable, whether there has been a violation of the Code of Ethics and Professional Conduct;
 - 2° be complete, in writing, substantiated, and accompanied, if applicable, by any supporting document, and come from any person who is aware of a violation of this Code of Ethics and Professional Conduct.
- 10.2 With respect 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 modifications.
- 10.3 No penalty can be imposed on an employee unless the employee:
- 1° has been informed of the accusation labelled against him/her;
 - 2° has had the opportunity to be heard.

**ATTESTATION AND ACKNOWLEDGEMENT OF RECEIPT OF THE CODE OF
ETHICS AND PROFESSIONAL CONDUCT**

**ATTESTATION
AND ACKNOWLEDGMENT OF RECEIPT OF THE
CODE OF ETHICS AND PROFESSIONAL CONDUCT FOR EMPLOYEES OF THE
MUNICIPALITY OF WEST BOLTON**

I, the undersigned, **[name of employee]**, **[work function]**, confirm that I have received a copy of the Code of Ethics and Professional Conduct for Employees of the Municipality of **(insert name of municipality)**.

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

This **(date)**

Employee's signature

For the administration

I confirm that I have received this attestation dated **[date]** and placed it in the employee's file on **date**.

Name and signature of the person in charge