

**ADMINISTRATIVE COMPILATION
BYLAW NUMBER 03-22**

**BYLAW 03-22 ENACTING THE CODE OF ETHICS AND PROFESSIONAL CONDUCT FOR
EMPLOYEES OF THE MUNICIPALITY OF PONTIAC**

Adopted by Municipal Council on April 12, 2022
Entry into force on April 26, 2022

Name and/or number of bylaw, policy, resolution	Date of approval by Council	Date of coming into force	Status
Bylaw 09-12	December 11, 2012	December 13, 2012	Replaced

PREFACE

The reader is hereby advised that any errors or omissions that may be identified in the text below do not affect the enforceability of the regulations and amendments referred to therein, as sanctioned in their original version.

**BYLAW 03-22 ENACTING THE CODE OF ETHICS AND PROFESSIONAL CONDUCT
FOR EMPLOYEES OF THE MUNICIPALITY OF PONTIAC**

REGULAR meeting of the Council of the Municipality of Pontiac, held on April 12, 2022, at 7:30 p.m., at the Luskville Community Center, at which meeting were present:

The Mayor, Mr. Roger Larose

The Council Members:

Diane Lacasse
Caryl McCann
Garry Dagenais
Serge Laforest
Chantal Allan
Jean Amyotte

All Council members and being a quorum.

WHEREAS the Act respecting ethics and professional conduct in municipal matters (LEDMM), sanctioned 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 matters 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 sanctioned 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 section 18 of the LEDMM, any decision regarding 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 March 8, 2022;

WHEREAS the adoption of this bylaw was preceded by the presentation and filing of a draft bylaw dated March 8, 2022, as well as a consultation of employees on the draft bylaw held on March 4, 2022;

WHEREAS, in accordance with section 12 of said Act, a public notice containing a summary of the draft bylaw was published on April 4, 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 the employees of the Municipality of Pontiac;

THEREFORE, it is moved by Councillor Chantal Allen and seconded by Councillor Diane Lacasse.

AND RESOLVED THAT by a majority vote, Council adopts bylaw #03-22 as follows:

SECTION 1 - PREAMBLE

The preamble to this bylaw forms an integral part of it.

SECTION 2 - OBJECT

The purpose of the present bylaw is to replace the Code of ethics and professional conduct for the employees of the Municipality, in particular, to add a clarification concerning gifts and benefits received by a municipal employee.

SECTION 3 - CODE OF ETHICS AND PROFESSIONAL CONDUCT FOR EMPLOYEES

The Code of Ethics and Professional Conduct for employees of the Municipality of Pontiac, attached as Appendix "A", is adopted.

SECTION 4 - ACKNOWLEDGEMENT 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 Director General, on the form provided for this purpose, that he/she has received a copy and has read it within ten (10) days of its receipt. The completed certification shall be placed in the employee's file.

The Mayor shall receive a copy of the certificate from the Director General and Secretary-treasurer.

SECTION 5 - REPLACEMENT


This bylaw replaces the policy enacting a code of ethics and professional conduct for municipal employees, which is currently in effect.

Any mention or reference to a code of ethics and professional conduct for municipal employees, whether in a bylaw, resolution, policy, contract, etc., is deemed to be a reference to this bylaw.


SECTION 6 - COMING INTO FORCE

This bylaw shall come into force in accordance with the law.

Given at PONTIAC, Quebec, this April 12, 2022.



Pierre Said, Director General
and Secretary-treasurer



Roger Larose, Mayor

Notice of motion :	March 8, 2022
Tabling of the draft bylaw :	March 8, 2022
Public notice announcing the bylaw:	April 4, 2022
Adoption of the bylaw :	April 12, 2022
Resolution :	22-04-4603
Notice of enactment:	April 26, 2022

APPENDIX A

CODE OF ETHICS AND PROFESSIONAL CONDUCT FOR MUNICIPAL EMPLOYEES

1. Presentation

This "Code of Ethics and Professional Conduct for Municipal Employees of the Municipality of Pontiac" is adopted pursuant to sections 2, 16 and 18 of the Act respecting ethics and professional conduct in municipal matters (R.S.Q., c. E-15.1.0.1).

In accordance with the provisions of this law, the Municipality of Pontiac must adopt by bylaw a code of ethics and professional conduct for municipal employees that sets out the main values of the Municipality in matters of ethics and the rules that must guide their conduct according to the application and control mechanisms provided for this purpose.

2. Values

2.1 The ethical values of the Municipality are:

- 1° the integrity of municipal employees;
- 2° the honour related to the duties of an employee of the Municipality;
- 3° caution in the pursuit of the public interest;
- 4° respect and civility towards members of Council, other employees of the Municipality and citizens, including during communications on the web and social media;
- 5° loyalty to the Municipality;
- 6° the pursuit of fairness.

2.2 All employees shall act with integrity, honesty, objectivity and impartiality in the performance of their duties.

2.3 The values set out in this Code shall guide any employee to whom they apply in assessing the ethical rules applicable to him or her from a public interest.

3. General principal

3.1 An employee shall perform his or her duties and organize his or her professional activities in such a way as to preserve and maintain the public's confidence in the Municipality.

4. **Objectives**

4.1 The objectives of the rules set out in this Code are to prevent, in particular:

- 1° any situation where the employee's personal interest may influence his or her independence of judgment in the performance of his or her duties;
- 2° any situation that is contrary to the values set out in this Code of Ethics and Professional Conduct;
- 3° favoritism, malfeasance, breach of trust or other misconduct.

5. **Interpretation**

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

- 1° **advantage:** any advantage of any kind, as well as any promise of such an advantage ;
- 2° **conflict of interest:** any situation where the employee must choose between the interests of the Municipality and his or her interests;
- 3° **confidential information:** information that is not public and that the employee holds because of his or her employment relationship with the Municipality;
- 4° **immediate superior:** a person who represents the first level of authority over an employee and who exercises control over his or her work. In the case of the Director General, the immediate superior is the Mayor.

6. **Scope of Application**

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 breach, may result in disciplinary action. In the event of any inconsistency, the Code shall prevail.

6.3 Any federal or provincial statute, regulation or employment contract to which the Municipality is a party shall 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 subject, in particular under the Professional Code (R.S.Q., c. C-26) or under a law governing a profession mentioned therein. However, the Municipality may not, by virtue of this Code or otherwise, force an employee to contravene another code of ethics or professional conduct adopted by virtue of a law.

7. **General obligations**

7.1 The employee must :

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

7.2 During elections to the council of the Municipality, this Code shall not be interpreted as prohibiting an employee from performing an act that the Act respecting elections and referendums in municipalities (R.S.Q., c. E-2.2) declares not to constitute work of a partisan nature;

7.3 This Code shall not be construed or applied to prevent an employee from taking any reasonable steps to protect the health, safety, or physical and mental well-being of the employee or any other person.

8. Specific obligations

8.1 RULE 1 – Conflict of interests

8.1.1 An employee shall avoid any situation where he/she must knowingly choose between the interest of the Municipality and his/her interest or, in an abusive manner, that of any other person.

8.1.2 An employee shall :

- 1° faithfully carry out his duties in accordance with applicable legislation, including the regulations in force in the Municipality or in any other municipal body;
- 2° refrain from knowingly having, directly or indirectly, by himself/herself or by his/her 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 put him/her in conflict of interest, inform his/her superior.

8.1.3 Without limiting the particularity of the foregoing, no employee shall:

- 1° act, attempt to act or fail to act in a manner that promotes, in the performance of his or her duties, his or her personal interests or, in an improper manner, those of any other person ;
- 2° use his or her position to influence or attempt to influence the decision of another person in a manner that favours his or her interests or, in an abusive manner, those of any other person.

8.2 RULE 2 – The advantages

8.2.1 No employee shall :

- 1° solicit, induce, accept or receive, for himself or herself 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 scope of his or her duties;
- 2° accept any gift, hospitality or other benefit, regardless of its value, that is offered by a supplier of goods or services or that may influence his or her independence of judgment in the performance of his or her duties or that may compromise his or her integrity.

8.2.2 It is permitted 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 does not consist of a sum of money or a financial instrument of any kind 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 report it to his or her immediate supervisor. The declaration must be entered in a register kept for this purpose by the Secretary-treasurer (or clerk).

8.3 RULE 3 – Discretion and confidentiality

8.3.1 An employee shall not knowingly use, disclose or attempt to use or disclose any information obtained in the course of or in connection with the performance of his or her duties and not generally available to the public, to further his or her interests or the improper interests of any other person.

8.3.2 An employee shall take all reasonable steps to ensure the protection of confidential information, including electronic communication.

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 ascertain whether information is public or confidential.

8.4 RULE 4 –The use of the Municipality's resources

8.4.1 An employee is prohibited from using the resources of the Municipality for personal purposes or for purposes other than the performance of his/her duties.

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

8.4.2 An employee shall :

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

8.5 RULE 5 – Respect of people

8.5.1 An employee's relationship with a co-worker, a member of Council of the Municipality or any other person shall be based on respect, consideration and civility.

8.5.2 An employee shall :

- 1° act fairly in the performance of his or her duties and shall not give preferential treatment to one person to the detriment of others;
- 2° refrain from using abusive language or harassing a person by attitudes, words or gestures that may be harmful to the person's dignity or integrity;
- 3° use language appropriate to the performance of his or her duties.

8.6 RULE 6 – The duty of loyalty

8.6.1 An employee shall be loyal and faithful to their commitments to the employer.

8.7 RULE 7 – Sobriety

8.7.1 It is prohibited for an employee to consume or induce anyone to consume any alcoholic beverage or drug while on duty. An employee may not be under the influence of any such beverage or drug while performing his or her job.

However, an employee who, as part of his or her duties, attends an event where alcoholic beverages are served is not in violation of this rule if he or she consumes such beverages within reason.

8.8 RULE 8 - announcement during a political fundraising

8.8.1 It is prohibited for an employee to make any announcement at a political fundraising event that a project, contract or grant has been awarded by the Municipality unless a final decision on the project, contract or grant has already been made by the appropriate authority of the Municipality.

8.9 RULE 9 – Obligations following termination of employment

8.9.1 The following employees of the Municipality:

- 1) The Director General and his/her assistant;
- 2) The Secretary-treasurer and his/her assistant;
- 3) The Treasurer and his/her assistant

4) The Registrar and his/her assistant

are prohibited from holding a position as a director or officer of a corporation, employment or any other office in such a manner that he or she or any other person derives an improper benefit from his or her previous service as an employee of the municipality.

9. Sanctions

9.1 A breach of this Code may result in the application of any sanction appropriate to the nature and gravity of the breach, upon the decision of the Council of the Municipality or of the Director General, if he/she has the authority to do so in accordance with the Act, a bylaw or a resolution, and in compliance with any employment contract.

9.2 In the event of a breach of duty that occurs after the termination of the employment contract, the Municipality may, depending on the circumstances, apply to the courts for redress or generally to protect its rights.

9.3 The Municipality recognizes the remedial aspect of discipline in the workplace. It recognizes that the discipline imposed will be fair and reasonable and proportionate to the seriousness of the misconduct.

10. Application and control

10.1 Any citizen complaint under this Code shall:

1° be filed in confidence with the director general (and Secretary-treasurer), who shall determine whether there has been a breach of the Code of Ethics and Professional Conduct;

2° be complete, in writing, with reasons and accompanied, if necessary, by any supporting document, and come from any person who has knowledge of a breach of this Code of Ethics.

10.2 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 adaptations.

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

1° has been informed of the accusation made against him/her;

2° had the opportunity to be heard.

**CERTIFICATION OF RECEIPT AND ACKNOWLEDGEMENT OF THE
CODE OF ETHICS AND PROFESSIONAL CONDUCT OF THE EMPLOYEES
OF THE MUNICIPALITY OF PONTIAC**

I, the undersigned, |(employee's name)|, |(work function)|, confirm that I have received a copy of the Code of Ethics and Professional Conduct for the employees of the Municipality of Pontiac.

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

This (date)

Signature of the employee

<p>For the administration I hereby confirm that I have received this certificate dated (date) and placed it in the employee's file on (date).</p>

<p>Name and signature of the person in charge:</p>
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