



PROVINCE OF QUEBEC  
MRC LE HAUT SAINT-FRANÇOIS  
MUNICIPALITY OF BURY

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**Adoption of bylaw number 415-2018 adopting a code of ethics for municipal employees of the Municipality of Bury repealing bylaw number 415-2013 and 415-2016**

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WHEREAS the Municipal Ethics and Good Conduct Act, sanctioned on December 2, 2010, obliges all local municipalities to adopt a code of ethics and good conduct stating the Municipality of Bury's values concerning ethics and the rules to guide the behaviour of its employees;

WHEREAS by the Act project 155, section 16.1 of the Municipal Ethics and Professional Conduct Act has been amended to require municipalities to provide, in the Code of Ethics and Professional Conduct for Municipal Employees, post-employment rules;

WHEREAS the Act provides in section 17, that the Code must reproduce, with the necessary modifications, section 19 to the effect that a breach of a rule provided for in the Code by an employee may result, by decision of the Municipality and in compliance with the employment contract, the application of any sanction appropriate to the nature and gravity of the breach;

WHEREAS in accordance with article 18 of said Law, the Code of ethics and good conduct is adopted with a bylaw

WHEREAS adoption was preceded by the presentation of a draft bylaw on September 10, 2018, and that consultation by the employees of the draft bylaw was held throughout the month of October 2018;

WHEREAS in accordance with article 12 of the Law, a public notice summarizing the draft bylaw was published on October 19, 2018;

WHEREAS Council deems it appropriate, essential and in the public interest to comply with the requirements of the Law by adopting a code of ethics and good conduct of the employees of the Municipality of Bury;

WHEREAS the notice of motion was duly given at an extraordinary meeting on September 10, 2018, and that a public notice was posted for at least seven days;

**THEREFORE**

**IT IS PROPOSED BY Councillor Alain Villemure,  
SECONDED BY Councillor Marilyn Matheson,**

**AND RESOLVED that bylaw number 415-2018, entitled "Code of Ethics and Professional Conduct of Municipal Employees of the Municipality of Bury repealing Bylaw Number 415-2013 and Bylaw Number 415-2016" be and is adopted, the said bylaw reading as follows:**

## **Article 1 Preamble**

The preamble of the present bylaw is an integral part of said bylaw.

## **Article 2 Aim**

The aim of the present bylaw is to adopt a code of ethics and good conduct of the employees of the Municipality of Bury, which states, in particular, the values of the Municipality in matters of ethics and the rules that guide the behaviour of the employees.

## **Article 3 Code of ethics and good conduct of the employees**

The Code of ethics and good conduct of the employees attached as annexe I is adopted.

## **Article 4 Acknowledgement of the Code of ethics and good conduct**

A copy of the Code of ethics and good conduct is given to each employee of the Municipality of Bury. The employee must attest to having received a copy and read it within ten (10) days of receiving it.

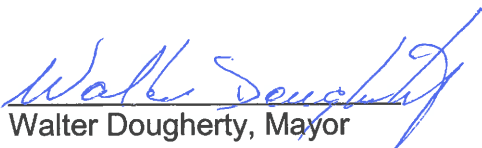
The mayor receives the attestation of the Director General. A copy of the attestation is placed in the employee file.

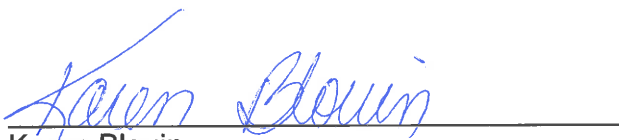
## **Article 5 Repeal**

The present bylaw repeals and replaces all bylaw, resolution, policy or directive related to topics referred to in the Code.

## **Article 6 Coming into force**

The present bylaw comes into force after the implementation of formalities specified in the Law.

  
Walter Dougherty, Mayor

  
Karen Blouin,  
Director General and secretary-treasurer

**Notice of motion: September 10, 2018**

**Adoption: October 29, 2018**

**Certificate of publication: October 30, 2018**

**Coming into Force: October 30, 2018**



« ANNEXE I »

## **Code of Ethics for the**

## **Employees of the Municipality of Bury**

October 30, 2018

# CODE OF ETHICS OF THE EMPLOYEES OF THE MUNICIPALITY OF BURY.

## Presentation

The present « Code of ethics and good conduct of the employees of the Municipality of Bury » is adopted in accordance with articles 2, 16, and 18 of the Municipal Ethics and Good Conduct Act (L.R.Q, c. E-15.1.0.1).

In accordance with the provisions of this law, the Municipality of Bury must adopt by way of a bylaw a code of ethics for the municipal employees stating the values of the Municipality in ethical matters and the rules that guide their behaviour according to the control and enforcement mechanisms set out to this effect.

## Values

The values of the Municipality of Bury in matters of ethics are:

- 1° The integrity of the municipal employees;
- 2° The honour related to the functions of the municipal employee;
- 3° Prudence in the pursuit of public interest;
- 4° Respect toward municipal council members, fellow municipal employees and the citizens;
- 5° Loyalty to the Municipality of Bury;
- 6° The pursuit of equity;
- 7° Efficiency and effectiveness in the workplace;
- 8° Accountability and commitment;
- 9° Flexibility and versatility;
- 10° Team work, collaboration and solidarity;
- 11° Achievement at work;
- 12° Courtesy and transparency, internally as well as externally;
- 13° The achievement of objectives and results.

Each employee must carry out his/her duties with integrity, honesty, objectivity and impartiality.

The values stated in the present Code must guide each employee to whom they apply, and this, as a matter of public policy.

## General principle

The employee must carry out his functions and organize his professional activities so as to preserve and maintain public confidence in the Municipality of Bury.

## The objectives

The rules foreseen in the present Code have as objective to prevent:

- 1° any situation where an employee's personal interest may have an influence on his impartiality when carrying out his duties;
- 2° any situation that would go against the values stated in the present Code of ethics and good conduct;
- 3° Favoritism, embezzlement, abuse of trust and other misconducts.

## Interpretation

Unless contrary to the context, the words used in the present Code keep their usual meaning except for the expressions and words defined as follows;

- 1° **advantage:** any advantage, whatever the nature, as well as any promise resulting from such an advantage;
- 2° **conflict of interest:** any situation where the employee must choose between the interests of the Municipality of Bury and his own personal interests;
- 3° **confidential information:** information that is not public and that the employee obtains due to his employment ties with the municipality of Bury;
- 4° **Director general:** person who represents the first level of authority above an employee and who exercises control over his work.

## Scope

The present Code applies to each employee of the municipality of Bury.

The municipality of Bury may add to the present Code rules, policies or directives to which the employees may be held and that in case of a breach are liable to result in disciplinary measures. Where there is incompatibility, the Code prevails.

A law, federal or provincial bylaw as well as a work contract to which the municipality is party prevails over any incompatible provision of the present Code.

The Code is in addition to any other code of ethics to which an employee may be subject, notably under the Professional Code (L.R.Q., c. C-26) or a law governing a profession to which it refers. The Municipality may not, however, under the present Code or any other, oblige an employee to contravene any other code of ethics adopted under a Law.

## General obligations

The employee must:

- 1° diligently carry out the work inherent to his responsibilities;
- 2° respect the present Code as well as the policies, rules, and directives of the employer;
- 3° Respect his duty to show reserve toward the Municipality of Bury. The employee must not undermine the dignity or reputation of his employer,

nor, within the scope of his functions, that of a council member or other employee of the Municipality of Bury.

In matters of elections in the Municipality, the present Code must not be interpreted in a way that would preclude an employee from accomplishing an act that the *Act respecting elections and referendums in municipalities* (LRQ, c. E-2.2) declares to not constitute work of a partisan nature;

- 4° act with integrity and honesty;
- 5° dress appropriately at work;
- 6° Relay any information that comes to his attention and that he knows to be significant to the Municipality of Bury.

The present Code must not be interpreted or applied in a way that would prevent an employee from taking reasonable measures to protect his health, safety or physical and mental integrity or that of others.

### **Specific obligations**

#### **RULE 1 — Conflicts of interest**

An employee must avoid all situations where he must, knowingly, choose between the interest of the Municipality of Bury and his own personal interest or in an inappropriate manner, that of any other person.

The employee must:

- 1° loyally undertake his functions in accordance with applicable legislation, including bylaws in effect in the municipality and in any other municipal organization;
- 2° Abstain from knowingly or indirectly entering into a contract with the Municipality of Bury, either personally or through an associate. This prohibition does not, however, apply to a contract authorized by the Law;
- 3° inform his superior of any situation liable to place him in a situation of conflict of interest;

Without limiting the foregoing, it is prohibited for any employee:

- 1° to act, to attempt to act or to omit to act in a way so as to favour, in the carrying out of his functions, his own personal interests or, in an inappropriate manner, those of any other person;
- 2° To use his position to influence or attempt to influence the decision of another person so as to favour his own personal interests or, in an inappropriate manner, those of another person.

#### **RULE 2 — The advantages**

It is prohibited for any employee:

- 1° to solicit, to provoke, to accept or to receive, for himself or for another person, any type of benefit in exchange for a decision, an act, an omission to decide or act or the exercise of his influence within the scope of his functions;

2° To accept any benefit, whatever the value, that is liable to influence his judgment in the discharge of his functions or that may risk compromising his integrity.

It is not, however, prohibited to accept a benefit that respects the following three conditions:

1° it is received in accordance with normal standards of courtesy, protocol, hospitality or custom;

2° it does not consist of money or financial security such as shares, bonds or bills of exchange;

3° Is not such as to leave open to doubt the integrity, the independence or the impartiality of the employee.

The employee who receives a benefit respecting these conditions must declare it to the Director General. The declaration must be recorded in a register held for this purpose by the Secretary-Treasurer. On the other hand, a prize won in a drawing is not subject to such rules although he could, at least, report the prize so that it may be recorded in the register. Finally, it is understood that although a business meal is paid for by a supplier it does not constitute a benefit, but must nonetheless be recorded in the register.

### RULE 3 — Discretion and confidentiality

An employee must not knowingly, use, communicate or attempt to use or communicate any information obtained in the performance of his duties and that would not generally be made available to the public, for his own personal interests or, in an inappropriate manner, those of any other person. If an employee wishes to obtain specific information for personal use (or external professional use) and that the law permits it, he may do so by paying the fees prescribed by law or any other policy in effect to obtain this information. Finally, where an employee carries out contract work outside of his functions, he must annually submit a detailed list of his clients.

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

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

#### Rule 3.1—Ban at political fundraiser

It is prohibited for any member of the municipal employees of the Municipality of Bury to make the announcement, at a political fundraising event, of a realization of a project, the conclusion of a contract or awarding of a grant by the municipality of Bury, unless a final decision on this project, contract or grant has already been taken by the competent authority of the municipality.

### RULE 4 — The use of municipal resources

It is prohibited for an employee to use the Municipality of Bury's resources for personal use or for purposes other than those within the scope of his functions.

This prohibition does not apply to the use of resources, at non-preferential conditions, that are available to the citizens. Furthermore, the Municipality of Bury accepts that its personnel use certain tools (for example: computer and internet) during break time and the lunch hour and outside of regular work hours.

The Employee Must:

1° Use a municipal asset with care. He must use it to carry out his work according to the policies, rules and directives;

2° Possess, at all times, any and all necessary permits when using a vehicle belonging to the Municipality of Bury.

#### RULE 5 — Respect towards people

Relations between an employee and a work colleague, a member of the Bury Municipal Council, or any other person must be founded on respect, consideration and courtesy.

All members of personnel must:

1° act in a manner that is equitable while carrying out his duties and must not give preferential treatment to one person at the expense of others;

2° refrain from insulting or harassing someone with attitude, words, gestures that could affect one's dignity or one's integrity;

3° use appropriate language while carrying out his duties;  
This rule is complementary to the policy concerning psychological harassment at work adopted by the municipal council of Bury

#### RULE 6 — Duty of loyalty

The employee must be loyal to his commitments to the employer.

Without limiting the foregoing, any person who leaves his employment at the Municipality of Bury must not take undue advantage from the position he occupied. He must also preserve loyal ties and avoid any denigration or damage to his former employer's reputation.

It is forbidden for the following employees of the Municipality:

1. The Director General and his/her Assistant;
2. The Secretary-Treasurer and his/her assistant;

To occupy an administrative or leader position of a moral person, an employment or all other functions of any kind that he/she or all other persons draw an improper advantage from his/her past functions as an employee of the Municipality

#### RULE 7—Sobriety

It is prohibited for an employee to consume or encourage anyone to consume an alcoholic beverage or illegal drug during his work. An employee may not be under the influence of such drink or drug while he carries out his work. However, an employee who, within the scope of his functions, participates in a function where alcoholic drinks are served does not contravene this rule if he consumes in a reasonable manner.

#### **Sanctions**

Failure to comply with the present Code may result in, upon a decision from Council or the Director General—if he has the power according to the Law, a bylaw or a resolution—and respecting all employment contracts, the application of sanctions appropriate to the nature and scope of the failure.

In the case of failure to fulfill an obligation that applies after the end of the employment contract, the Municipality of Bury may, according to the



circumstances, address itself to the tribunals to obtain redress or, in general, to protect its rights.

The Municipality of Bury acknowledges the corrective aspect of discipline in the workplace. It recognizes that the disciplinary measure imposed will be fair and reasonable and proportional to the scope of the alleged misconduct.

### **Application and control**

All complaints lodged by citizens in regards to the present Code must:

1° be submitted, in an envelope marked confidential, to the Director General who will determine, where necessary, if there has been a breach to the Code of ethics and good conduct;

2° Be complete, in writing, substantiated and accompanied by relevant documentation, and originate from any person having knowledge of a failure to the present Code of ethics and good conduct.

In regard to the Director General, a complaint must be submitted to the Mayor of the Municipality of Bury. Paragraphs 1° and 2° of the preceding subparagraph are applied by making the necessary adaptations.

No sanction may be imposed on an employee without him first:

1° being informed of the alleged misconduct;

2° Being given the opportunity to be heard.