



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

**BYLAW 415-2022 adopting the
code of ethics and professional
conduct for the employees of the
municipality of Bury repealing
bylaw 415-2018**

WHEREAS the Act respecting ethics and professional conduct in municipal matters, assented on December 2, 2010, creates the obligation for all local municipalities to adopt a code of ethics and professional conduct which sets out the main values of the Municipality of Bury on ethics and the rules that should guide the conduct of its employees;

WHEREAS the Act to amending 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" assented 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 means of a bylaw;

WHEREAS a notice of motion was given during the assembly held on March 7, 2022

WHEREAS the adoption was preceded by the presentation and filing of a draft bylaw dated March 7, 2022, as well as an employee consultation on said draft bylaw held on March 21, 2022;

WHEREAS, in accordance with section 12 of said Act, a public notice containing a summary of the draft bylaw was published on March 23, 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;

THEREFORE,
IT IS PROPOSED BY Councillor Vanessa Chapman,
SECONDED BY Councillor Alain Villemure,

AND CARRIED THAT bylaw bearing number 415-2022, adopting a code of ethics and professional conduct for municipal employees of the municipality of Bury repealing bylaw number 415-2018, be adopted, said bylaw reading as follows:

Article 1 Preamble

The preamble of this bylaw is an integral part thereof.

Article 2 Purpose

The purpose of this bylaw 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 Bury, attached in 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 director general, 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 bylaw replaces Bylaw number 415-2018 enacting a code of ethics and professional conduct for municipal employees, adopted on October 29, 2018.

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

Article 6 Coming into force

These rules come into force in accordance with the law.



Denis Savage
Mayor



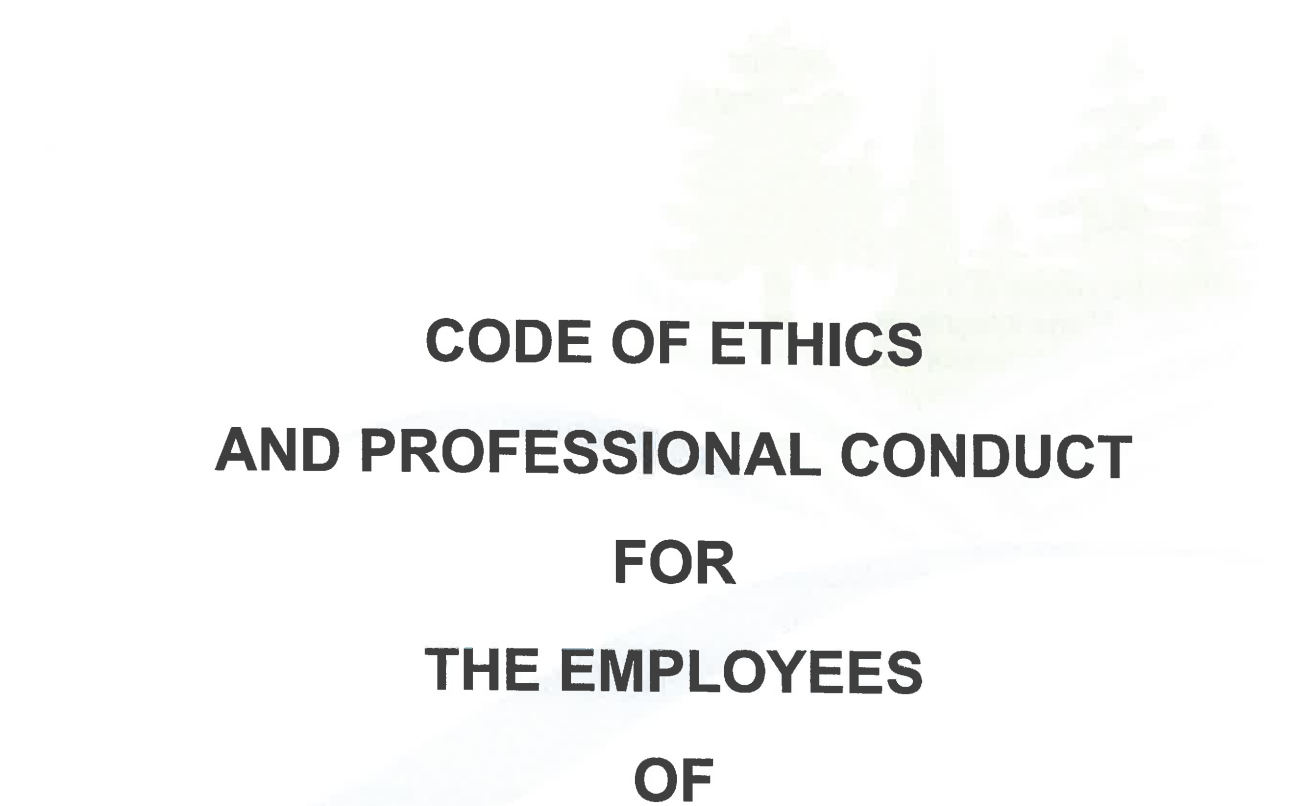
Louise Brière,
Director General and Clerk-treasurer

Notice of motion and presentation: March 7, 2022

Adoption: April 4, 2022

Publication: April 7, 2022

Coming into force: April 7, 2022



**CODE OF ETHICS
AND PROFESSIONAL CONDUCT
FOR
THE EMPLOYEES
OF
THE MUNICIPALITY OF BURY**

April 2022

CODE OF ETHICS AND PROFESSIONAL CONDUCT FOR MUNICIPAL EMPLOYEES OF THE MUNICIPALITY OF BURY

1. PRESENTATION

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

Under the provisions of this law, the Municipality of Bury must adopt by means of bylaw 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 enforcement and control mechanisms provided for this purpose.

2. THE VALUES

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

- 1° the integrity of municipal employees;
- 2° the honour attached to the functions of an employee of the Municipality;
- 3° prudence in pursuing the public interest;
- 4° respect and civility towards members of the municipal council, other municipal employees and citizens, including when communicating 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 outlined 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 MAIN 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. 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 which would go against the values outlined 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 any kind, 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 with the Municipality;
 - 4° **Immediate supervisor**: person who represent the first level of authority above an employee and who exercises control over his work. In the case of the general manager, the immediate superior is the mayor.

6. SCOPE OF APPLICATION

- 6.2 This code applies to all municipal employees
- 6.3 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.
- 6.4 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.
- 6.5 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 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° perform the work inherent in his duties, with diligence
 - 2° comply with this Code and the policies, rules and guidelines of the employer;
 - 3° Respect his 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 the council, of another employee of the Municipality;
 - 4° act with integrity and honesty;
 - 5° at work, be appropriately dressed;
 - 6° communicate to his employer any information brought to his knowledge and that he knows is 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 a duty that the Act respecting elections and referendums in municipalities (RSQ, c. E-2.2) declares not constitute work of a partisan nature;
- 7.3 This Code should not be interpreted or applied as preventing the employee from taking all reasonable measures to protect his or her health, safety or 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 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 put him in a conflict of interest, inform his superior.
- 8.1.3 Without limiting the particularity of the foregoing, it is prohibited 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 take advantage 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 – ADVANTAGES

- 8.2.1 It is prohibited 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 to act, or the exercise of any influence in the course of his duties
 - 2° To accept any gift, any sign of hospitality or any other advantage, regardless of 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 his integrity.
- 8.2.2 It is permissible to accept a benefit or advantage 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 any financial security such as a share, a bond or a business trade
 - 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 When in 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 to any employee to use the resources of the municipality or any other organization as described in this code, for his personal use or any use other than those related to his functions.

The present ban does not apply when a member uses with non-preferential conditions a resource available to the 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 licence required when using a municipal vehicle.

8.5 RULE 5 – RESPECT OF OTHERS

- 8.5.1 The relationship of an employee with a co-worker, a member of municipal Council or any other person must be based on respect, consideration and civility.
- 8.5.2 Employees 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 harassing a person by their attitudes, words, gestures that may undermine their dignity or integrity;
 - 3° Use language appropriate to 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 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 - POLITICAL FUNDRAISING EVENT ANNOUNCEMENT

8.8.1 It is prohibited to any employee of the Municipality of Bury to make the announcement, at a political fundraising event, of the achievement 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.

8.9 RULE 9 – POST-MANDATE OR OBLIGATIONS FOLLOWING THE END OF EMPLOYMENT

8.9.1 The following employees of the municipality are prohibited:

- 1) The director general or his assistant;
- 2) The clerk treasurer or his assistant
- 3) The treasurer or his assistant
- 4) The clerk or his assistant.

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 derives an undue advantage from his previous functions as an employee of the municipality.

8.10 SANCTIONS

8.10.1 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 employment contract, the application of any sanction appropriate to the nature and seriousness of this breach.

8.10.2 In the case 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.

8.10.3 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 misconduct.

8.11 ENFORCEMENT AND CONTROL

8.11.1 Any citizen complaint under this Code must:

- 1° be filed in a confidential envelope with the Director General, 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.

8.11.2 With regard to the Director General, any complaint must be filed with the Mayor of the Municipality. Subparagraphs 1° and 2° of the preceding paragraph apply with the necessary adaptations.

8.11.3 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.