

**CANADA  
PROVINCE OF QUEBEC  
MUNICIPALITY OF GROSSE ILE**

**BYLAW 2022-002  
TO REPEAL AND REPLACE BYLAW 2019-002  
ESTABLISHING THE CODE OF ETHICS AND PROFESSIONAL CONDUCT  
FOR THE EMPLOYEES OF THE MUNICIPALITY OF GROSSE ILE**

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**WHEREAS** the *Municipal Ethics and Good Conduct Act* (MEGCA), assented to on December 2, 2010, obliges all local municipalities to adopt a code of ethics and professional conduct that stipulates the Municipality's main ethical values and the rules that must guide employees' conduct;

**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 referred to as "Bill 49" and assented to on November 5, 2021, requires the addition of a rule concerning the receipt of a gift or benefit by employees;

**WHEREAS,** in accordance with section 18 of the MEGCA, any decision concerning the adoption of the Code of Ethics and Professional Conduct must be made by means of a municipal bylaw;

**WHEREAS** a notice of motion was given at the regular sitting of council held on January 10, 2022;

**WHEREAS** the adoption was preceded by the presentation and tabling of a draft bylaw on January 10, 2022 and a consultation with employees on the draft bylaw held on February 8, 2022;

**WHEREAS,** in accordance with section 12 of the said Act, a public notice containing a summary of the draft bylaw was published on February 3, 2022;

**WHEREAS** the members of municipal council deem appropriate, essential and within public interest to comply with the requirements of the Act by amending the Municipality's Code of Ethics and Professional Conduct for its employees;

**WHEREAS** a copy of this present bylaw was given to all members of council at least seventy-two (72) hours prior to the present sitting;

**WHEREAS** the members of council present declare having read the bylaw;

**WHEREAS** during the course of the sitting, the content and scope of the bylaw are mentioned;

**THEREFORE**

It is proposed by Marlene Boudreau  
Seconded by Katrina Keating  
And unanimously approved by the Councillors present

**THAT** Bylaw 2022-002 - To repeal and replace Bylaw 2019-002 – Establishing the Code of Ethics and Professional Conduct for the Employees of the Municipality of Grosse Ile be hereby adopted and that the following is ordered and decreed by the said bylaw:

### **Article 1 Preamble**

The preamble of this present bylaw is an integral part thereof.

### **Article 2 Purpose**

The purpose of this bylaw is to repeal and replace the current Code of Ethics and Professional Conduct for the Employees of the Municipality, notably to provide details regarding the receipt of gifts and benefits by municipal employees.

### **Article 3 Introduction**

This Code of Ethics and Professional Conduct for Employees of the Municipality of Grosse Ile is adopted pursuant to sections 2, 16 and 18 of the *Municipal Ethics and Good Conduct Act* (RSQ, c. E-15.1.0.1).

Under the provisions of this Act, the Municipality of Grosse Ile must adopt, by means of a municipal bylaw, a code of ethics and professional conduct for municipal employees, which states the main ethical values of the Municipality and the rules that must guide employees' conduct according to the enforcement and control procedures provided for this purpose.

### **Article 4 Values**

4.1 The ethical values of the Municipality are:

1. Integrity of municipal employees;
  2. Honour affiliated with the duties of a municipal employee;
  3. Caution within the pursuit of public interest;
  4. Respect and civility towards the members of municipal council, other municipal employees and citizens, including interactions online and on social media;
  5. Loyalty towards the Municipality;
  6. The pursuit of equity.
- 4.2 All employees must demonstrate integrity, honesty, impartiality and fairness while carrying out their duties.
- 4.3 The values stated in this present Code must guide all employees in the interpretation, from a public interest standpoint, of the ethical rules that they must follow.

## **Article 5    General Principle**

5.1 Employees must perform their duties and organize their professional activities in a manner that preserves and maintains the public's trust towards the Municipality.

## **Article 6    Objectives**

6.1 The rules presented in this Code are intended to avoid, among other things:

1. Any situation where the personal interest of an employee may influence their independence of judgment in the performance of their duties;
2. Any situation that is contrary to the values stated in this Code of Ethics and Professional Conduct;
3. Favouritism, embezzlement, breach of trust or other misconducts.

## **Article 7    Interpretation**

7.1 Unless the context indicates otherwise, the words used in this Code maintain their usual meaning, except for the following expressions and words which are defined as follows:

1. **Benefit:** any benefit of any nature, as well as any promise of a benefit as such;
2. **Conflict of interest:** any situation where employees must choose between the interest of the Municipality and their own personal interest;
3. **Confidential information:** information that is not public knowledge, to which employees have access as a result of their employment with the Municipality;
4. **Immediate supervisor:** person who represents the first level of authority above employees and who supervises their work. In the case of the director general – clerk-treasurer, the immediate supervisor is the mayor.

## **Article 8    Scope**

8.1 This Code applies to all employees of the Municipality of Grosse Ile.

8.2 In addition to this Code, the Municipality may adopt bylaws, policies or guidelines to which employees are bound, the breach of which may result in disciplinary action. In cases of incompatibility, the Code shall prevail.

8.3 A law, a federal or provincial regulation, as well as any employment contract which the Municipality is involved in shall prevail over any incompatible provisions of this Code.

8.4 This Code applies to employees in addition to any other codes of ethics or of professional conduct to which they are subject, particularly under the *Professional Code* (RSQ c. C-26) and any Acts governing the professions referred to therein. However, the Municipality cannot, in virtue of this Code or otherwise, force an employee to violate another code of ethics or professional conduct adopted by law.

## **Article 9 General Obligations**

9.1 The employees must:

1. Diligently perform the work inherent to their duties;
2. Respect this Code as well as the policies, rules and guidelines of the employer;
3. Fulfill their duty of confidentiality towards the Municipality. They must not impair the dignity or reputation of their employer or, if related to their work, those of a council member or another employee of the Municipality;
4. Act with integrity and honesty;
5. Be appropriately dressed at work;
6. Communicate to their employer any information brought to their attention that they know to be relevant to the Municipality.

9.2 Regarding municipal elections, this Code must not be interpreted as prohibiting an employee from performing an activity that the *Act Respecting Elections and Referendums in Municipalities* (RSQ c. E-2.2) does not consider to be partisan.

9.3 This Code must not be interpreted or enforced to prevent employees from taking all reasonable measures to protect their health, safety or physical and mental well-being, or those of another person.

## **Article 10 Specific Obligations**

### **10.1 RULE 1 – Conflicts of Interest**

10.1.1 Employees must avoid any situation where they must knowingly choose between the interest of the Municipality and their own personal interests or, in an undue manner, those of any other person.

10.1.2 Employees must:

1. Faithfully perform their duties in accordance with applicable laws, including the regulations in force at the Municipality and in all other municipal organizations;
2. Abstain from knowingly, either directly or indirectly, having a contract with the Municipality, and prevent their associates from doing the same. However, this prohibition does not apply to contracts authorized by law;
3. Inform their supervisor when a situation may put them in a conflict of interest.

10.1.3 Without limiting the particularity of the above, it is forbidden for employees:

1. To act, to attempt to act or to omit to act, in any way to favour, in the performance of their duties, their own personal interests or, in an undue manner, those of any other person;
2. To prevail of their position to influence or to attempt to influence the decision of another person in a way that favours their personal interests or, in an undue manner, those of any other person.

## **10.2 RULE 2 – Benefits**

10.2.1 It is forbidden for employees:

1. To solicit, evoke, accept or receive any benefit whatsoever, for themselves or for any other person, in exchange for deciding, acting, omitting to decide or to act, or exercising any influence whatsoever within the performance of their duties;
2. To accept any gift, token of hospitality or any other benefit offered by a goods or services provider, no matter the value, that may impair their independence of judgment in carrying out their duties of office, or that may compromise their integrity.

10.2.2 However, employees may accept a benefit that is not offered by a goods or services provider if the following three conditions are met:

1. It is received in accordance with courtesy and hospitality rules, customs or protocols;
2. It does not constitute a sum of money or a financial security of any kind such as a stock/share, bond or bank note;
3. It does not cast doubt on the integrity, independence or fairness of the employee.

Employees who receive a benefit that complies with these conditions must report it to their immediate supervisor. The Director General/Clerk-Treasurer must enter the declaration in the register kept for this purpose.

## **10.3 RULE 3 – Discretion and Confidentiality**

10.3.1 Employees must not knowingly use, communicate or attempt to use or communicate any information obtained while carrying out their duties or during their time of employment that is not generally available to the public, to favour their own personal interests or, in an undue manner, those of any other person.

10.3.2 Employees must take all reasonable measures to protect confidential information, including in electronic communications.

10.3.3 If in doubt, employees must contact the person in charge of implementing the *Act Respecting Access to Documents Held by Public Bodies and the Protection of Personal Information* to verify whether the information is of public or confidential nature.

## **10.4 RULE 4 – Use of Municipal Resources**

10.4.1 It is forbidden for employees to use the resources of the Municipality for personal purposes or for purposes other than those of carrying out their duties.

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

10.4.2 Employees must:

1. Use municipal property with care. They must use the resources for the purpose of carrying out their duties and follow all applicable rules, policies and guidelines;
2. At all times, have full authorization and the required permit(s) when using a vehicle belonging to the Municipality.

### **10.5 RULE 5 – Respect for Individuals**

10.5.1 The relationships that employees have with co-workers, municipal council members or any other person must be based on respect, consideration and civility.

10.5.2 Employees must:

1. Exercise fairness while carrying out their duties and shall not grant preferential treatment to one person at the expense of others;
2. Refrain from using abusive language or harassing a person through attitudes, words and/or gestures that may affect their dignity or integrity;
3. Use appropriate language while carrying out their duties.

### **10.6 RULE 6 – Duty of Loyalty**

10.6.1 Employees must be loyal and faithful to their commitments with the employer.

### **10.7 RULE 7 – Sobriety**

10.7.1 It is forbidden for employees to consume or to encourage anyone to consume alcoholic beverages, cannabis or an illegal drug while working. Employees must not be under the influence of alcohol or drugs while performing their duties.

However, employees who, as part of their duties, attend an event where alcoholic beverages are served do not violate this rule if they consume in a reasonable manner.

### **10.8 RULE 8 – Announcements at political fundraising activities**

10.8.1 During a political fundraising activity, it is forbidden for employees to make an announcement concerning the completion of a project, the signing of a contract or the awarding of a grant by the Municipality, unless a final decision regarding the project, contract or grant has already been made by the competent municipal authority.

### **10.9 RULE 9 – Post-employment Obligation**

10.9.1 The following employees of the Municipality:

- 1) The Director General and their assistant
- 2) The Clerk-Treasurer and their assistant
- 3) The Treasurer and their assistant
- 4) The Clerk and their assistant

are prohibited from holding a position as a director or officer of a corporation, or any other position or job in which they or any other person benefit from an unfair advantage given their previous position as an employee of the Municipality.

#### **Article 11 Penalties**

- 11.1 A violation of this Code may result in the enforcement of any sanctions deemed appropriate given the nature and severity of the violation. The municipal council or the Director General/Clerk-Treasurer, if granted the authority by law, bylaw or resolution, must make this decision in accordance with the employee's employment contract.
- 11.2 If an employee fails to comply with an obligation after their employment contract has ended, the Municipality may, depending on the circumstances, file a formal request in court to obtain compensation or, generally speaking, to protect its rights.
- 11.3 The Municipality acknowledges the remedial aspect of discipline within the workplace. Also, it acknowledges that disciplinary measures must be fair and reasonable, and proportionate to the severity of the misconduct.

#### **Article 12 Enforcement and Control**

- 12.1 Any complaint by citizens regarding this Code must:
  1. Be filed confidentially with the Director General/Clerk-Treasurer, who will determine whether there has been a violation of the Code of Ethics and Professional Conduct;
  2. Be presented and justified in writing and accompanied, if necessary, by any supporting documents. Anyone with knowledge of a violation of this Code of Ethics and Professional Conduct may file a complaint.
- 12.2 All complaints in regards to the Director General/Clerk-Treasurer must be filed with the Mayor of the Municipality. Paragraphs 1 and 2 of the preceding article apply with the necessary modifications.
- 12.3 Employees may not be sanctioned before:
  1. Being informed of the misconduct and/or accusations against them;
  2. Having had the opportunity to express themselves on the subject.

#### **Article 13 Examination of the Code of Ethics and Professional Conduct**

- 13.1 A copy of this bylaw stipulating the Code of Ethics and Professional Conduct is given to each employee of the Municipality. Employees must confirm with the Director General/Clerk-Treasurer, on the form provided for this purpose, that they have received a copy and have read it within ten (10) days of its receipt. The attestation is then to be placed in the employee's file.

The Mayor shall receive a copy of the Director General/Clerk-Treasurer's attestation.

**Article 14 Repealed Bylaws**

14.1 This bylaw repeals and replaces any previous bylaws of the Municipality of Grosse Ile concerning the Code of Ethics and Professional Conduct for Municipal Employees.

14.2 Any mention of or reference to a code of ethics and professional conduct for municipal employees in a bylaw, resolution, policy, contract or other, is considered to refer to this bylaw.

**Article 15 Coming Into Force**

This bylaw comes into force in accordance with the law.

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Diana-Joy Davies  
Mayor

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Maxine Matthews  
Assistant Clerk-Treasurer

NOTICE OF MOTION:	January 10, 2022
PRESENTATION OF DRAFT BYLAW:	January 10, 2022
ADOPTION:	February 14, 2022
PUBLICATION:	February 17, 2022