

**CANADA
PROVINCE OF QUÉBEC
REGIONAL COUNTY OFFICE
OF ARGENTEUIL
TOWNSHIP OF WENTWORTH**

BY-LAW NUMBER 2022-007

**BY-LAW ENACTING THE CODE OF ETHICS AND GOOD CONDUCT
FOR EMPLOYEES OF THE MUNICIPALITY
OF THE TOWNSHIP OF WENTWORTH**

WHEREAS the Municipal Ethics and Good Conduct Act (MEGCA), sanctioned on December 2nd, 2010, created the obligation for all local municipalities to adopt a code of ethics and good conduct that sets out the main ethical values of the Municipality 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 good conduct in municipal matters* and various legislative provisions, commonly referred to as "PL 49" and sanctioned on November 5th, 2021, requires the addition of a rule relating to the receipt of a gift or benefit by an employee;

WHEREAS pursuant to Section 18 of the MEGCA, any decision to adopt the Code of Ethics and Good Conduct shall be made by By-Law;

WHEREAS a Notice of Motion was given at the Council Meeting held on March 7th, 2022;

WHEREAS the adoption was preceded by the presentation and filing of a Draft By-Law dated March 7th, 2022 and a consultation with employees on the Draft By-Law held on March 10th, 2022;

WHEREAS pursuant to Section 12 of said Act, a Public Notice containing a summary of the proposed By-Law was published on March 11th, 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 Good Conduct for Municipal Employees;

THEREFORE it is proposed by Councillor Jay Brothers and decreed that the Council of the Municipality of the Township of Wentworth orders and rules by this By-Law as follows, namely:

ARTICLE 1 Preamble

The preamble is an integral part of the present By-Law.

ARTICLE 2 Object

The purpose of this By-Law 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 Good Conduct for Employees

The Code of Ethics and Good Conduct for Employees of the Municipality of the Township of Wentworth, attached as Annex "A", is hereby adopted.

ARTICLE 4 Awareness of the Code of Ethics and Professional Conduct

A copy of the Code of Ethics and Good Conduct is given to each employee of the Municipality. The employee must certify to the General Manager, on the form provided for this purpose that he or she has received a copy and has read it within ten (10) days of receiving it. The completed certification shall be placed in the employee's file.

The Mayor shall receive a copy of the certificate from the General Manager and Clerk-Treasurer.

ARTICLE 5 Replacement

This By-Law replaces By-Law Number 2012-004-02, By-Law amending By-Law Number 2012-004-01 Code of Ethics and Good Conduct for Municipal Employees enacting a Code of Ethics and Good Conduct for Municipal Employees, adopted on October 2nd, 2018.

Any mention or reference to a code of ethics and good conduct for municipal employees, whether in a By-Law, resolution, policy, contract, etc., shall be deemed to refer to this By-Law.

ARTICLE 6 Entry into force

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

Jason Morrison
Mayor

Natalie Black
General Manager, Clerk-Treasurer

Notice of motion: March 7th, 2022
Project By-Law: March 7th, 2022
Adoption of By-Law: April 4th, 2022
Public Notice: April 7th, 2022

ANNEX A
CODE OF ETHICS AND GOOD CONDUCT
MUNICIPAL EMPLOYEES

1. Presentation

The "Code of Ethics and Good Conduct for Municipal Employees of the Municipality of the Township of Wentworth" 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 the Township of Wentworth must adopt by By-Law 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 application and control mechanisms provided for this purpose.

2. Values

2.1 The Municipality's ethical values are:

- 1° integrity of municipal employees;
- 2° the honour attached to the duties of an employee of the Municipality;
- 3° prudence 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 equity.

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 perspective.

3. The general principle

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

4. Objectives

4.1 The rules in this Code are intended to prevent, in particular:

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

5. Interpretation

5.1 Unless the context otherwise requires, words used in this Code shall have their ordinary meaning, except for the terms 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 or her personal interest;

3° **confidential information**: information that is not public and that the employee holds by virtue of his or her employment relationship with the Municipality;

4° **immediate supervisor**: the 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 General Manager, the immediate supervisor 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 A 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 Good Conduct to which the Employee is subject, in particular by virtue of the Professional Code (R.S.Q., c. C-26) or of 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 Good Conduct adopted by virtue of a Law.

7. General Obligations

7.1 The employee must:

1° to perform the work inherent to his duties with diligence;

2° comply with this Code and the employer's policies, rules and guidelines;

3° respect his or her duty of restraint towards the Municipality. He shall not undermine the dignity or reputation of his employer or, when related to his work, those of a member of Council or another employee of the Municipality;

4° act with integrity and honesty;

5° at work, be appropriately dressed;

6° communicate to his or her employer any information brought to his or her knowledge and which he or she knows to be relevant to the Municipality.

- 7.2 During an election 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 does not constitute partisan work;
- 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 interest

- 8.1.1 An employee shall avoid any situation where he or she must knowingly choose between the interest of the Municipality and his or her own personal interest or, improperly, that of any other person.
- 8.1.2 The employee must:
- 1° faithfully perform his or her 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 or herself or by his or 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 them in conflict of interest, inform their 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 so as to further his or her personal interests or the interests of any other person in an improper manner.

8.2 RULE 2 – Advantages

- 8.2.1 No employee shall:
- 1° solicit, induce, accept or receive, 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 whatsoever within the framework of his duties;
 - 2° accept any gift, hospitality or other benefit, regardless of value, that is offered by a supplier of goods or services or that may influence his or her independent judgment in the performance of his or her duties or that may compromise his or her integrity
- 8.2.2 It is permissible 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 any financial security such as a share, bond or commercial paper;

3° it is not such as to cast doubt on the employee's integrity, independence or impartiality.

An employee who receives a benefit that meets these conditions must declare it to his/her immediate supervisor. The declaration shall be recorded in a register kept for this purpose by the Clerk-Treasurer.

8.3.1 RULE 3 – Discretion and confidentiality

8.3.2 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 personal interests or the improper interests of any other person.

8.3.3 Employees shall take all reasonable steps to ensure the protection of confidential information, including electronic communication.

8.3.4 When in doubt, the employee shall 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 the information is public or confidential.

8.4 RULE 4 – The use of municipal resources

8.4.1 No employee shall use the resources of the Municipality for personal purposes or for purposes other than the performance of his/her duties.

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

8.4.2 Employee must:

1° use municipal property with care. He/she shall use it, in 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 for people

8.5.1 The relationship of an employee 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 The employee must:

- 1° act fairly in the performance of their duties and shall not give preferential treatment to one person over another;
- 2° refrain from using abusive language or harassing a person through attitudes, words or gestures that may affect their dignity or integrity;
- 3° use language appropriate to the performance of their duties.

8.6 RULE 6 – The obligation of loyalty

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

8.7 RULE 7 – Sobriety

8.7.1 An employee shall not consume or encourage anyone to consume any alcoholic beverage or drug while on duty. An employee shall not be under the influence of any such beverage or drug while performing his or her job.

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

8.8 RULE 8 – Political fundraising announcement

8.8.1 No employee shall 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 – Post mandate

8.9.1 The following employees of the municipality are prohibited:

- 1) The General Manager and their assistant;
- 2) The Clerk-treasurer and their assistant;
- 3) The treasurer and their assistant;
- 4) Le Clerk and their assistant;

hold 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, upon the decision of the Council of the Municipality or the General Manager, if the latter has the authority to do so in accordance with the Act, a By-Law or a resolution, and in compliance with any employment contract, in the application of any sanction appropriate to the nature and gravity of the breach.
- 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 to obtain redress or generally protect its rights.
- 9.3 The Municipality recognizes the corrective 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 General Manager and Clerk-Treasurer, who will determine if there has been a contravention of the Code of Ethics and Good Conduct;
 - 2° be complete, in writing, with reasons, and accompanied, if necessary, by any supporting documentation, and come from any person with knowledge of a breach of this Code of Ethics and Good Conduct.
- 10.2 With respect to the General Manager and Clerk-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 penalty may be imposed on an employee without the employee:
- 1° has been informed of the accusation made against him;
 - 2° had the opportunity to be heard.

ATTESTATION OF RECEIPT AND ACKNOWLEDGEMENT OF THE CODE OF ETHICS AND GOOD CONDUCT

**ATTESTATION
OF RECEIPT AND ACKNOWLEDGEMENT OF THE
CODE OF ETHICS AND GOOD CONDUCT FOR EMPLOYEES OF THE MUNICIPALITY
OF THE TOWNSHIP OF WENTWORTH**

I, the undersigned, _____(name of employee),
_____(job title), confirm that I have received a copy
of the Code of Ethics and Good Conduct for Employees of the Municipality of the
Township of Wentworth.

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

This _____(date)

Employee Signature

For administration:

I confirm that I have received this certificate on _____(date)

And have placed it in the employee's file on _____(date)

Signature