



APPENDIX A

CODE OF ETHICS AND GOOD CONDUCT FOR MUNICIPAL EMPLOYEES

Coming into force: May 2022

1. PRESENTATION

The « Code of Ethics and Good Conduct for Municipal Employees of the Saint-Gabriel-de-Valcartier Municipality” is adopted under Articles 2, 16, and 18 of the **Act on Ethics and Good Conduct in Municipal Affairs (RSQ, c. E-15.1.0.1)**.

Under the provisions of this Act, the Municipality of Saint-Gabriel-de-Valcartier shall adopt By-law No. 247 repealing and replacing By-laws numbers 176, 205 and 220 concerning the Code of Ethics and Good Conduct for Municipal Employees which states the core values of the Municipality concerning the ethics and the rules that should guide their conduct according to implementation and control mechanisms provided for this purpose.

2. LES VALEURS

2.1 The ethical values of the Municipality are:

1. the integrity of municipal employees;
2. the honor attached to duties as an employee of the Municipality;
3. vigilance in the pursuit of public interest;
4. respect towards members of council, other municipal employees and citizens;
5. loyalty to the Municipality;
6. the pursuit of equity.

2.2 Each employee must show integrity, honesty, objectivity, and impartiality in the fulfillment of his or her tasks.

2.3 The values stated in the present Code shall guide all employees to whom they apply in recognizing the ethical rules applicable to him or her, and, in the perspective of public interest.

3. THE GENERAL PRINCIPLE

3.1 The employee must perform his or her duties and arrange his or her professional activities in order to preserve and maintain the public's confidence towards the Municipality.

4. THE OBJECTIVES

4.1 The rules set forth in the present Code have as an objective to prevent situations, notably:

1. any situation where the personal interest of the employee could influence his or her independence of judgment in the exercise of his or her functions;
2. any situation which would go against the values put forward in the present Code of Ethics and Good Conduct;
3. favoritism, embezzlement, breach of trust or other misconduct.

5. INTERPRETATION

Unless the context otherwise requires it, the words used in the present Code retain their usual meaning, except for the words and expressions defined as follows:

1. **advantage:** any advantage, of any kind whatsoever, and 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 personal interest;
3. **confidential information:** information that is not public and that the employee holds because of his employment with the Municipality;

4. **immediate supervisor:** a person who represents the first level of authority above an employee and who exercises the control over his or her work. In the case of the Director General, the immediate superior is the Mayor.

6. APPLICATION COVERAGE

6.1 The present Code applies to all employees of the Municipality of Saint-Gabriel-de-Valcartier.

6.2 The Municipality may add to the present Code, rules, policies or guidelines which apply to employees and, in case of breach, may result in disciplinary action. In case of inconsistency, the Code prevails.

6.3 A law, a federal or provincial regulation as well as a labor contract to which the Municipality is a part of, prevails over any inconsistent provision of the present 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 under the Professional Code (RSQ, c. C 26) or an Act governing a profession that is mentioned. The Municipality may not, however, under the present Code or otherwise, force an employee to violate another code of ethics or good conduct adopted pursuant to an Act.

7. GENERAL OBLIGATIONS

7.1 The employee must:

1. perform the work inherent to his or her duties, and, with diligence;
2. comply with the present Code as well as the policies, rules and instructions of the employer;
3. fulfill his or her duty of confidentiality to the Municipality. He or she should not undermine the dignity or reputation of the employer or, when there is a connection with his or her work, that of a council member or of another municipal employee;
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 attention and which he or she knows to be relevant to the Municipality.

7.2 For Municipal Council elections, the present Code should not be interpreted as prohibiting an employee from doing anything that the Act Respecting Municipal Elections and Referendums (RSQ, c. E-2.2) claims as not constituted to be partisan work;

7.3 The present Code shall not be interpreted or applied so as to prevent the employee in taking all reasonable measures to protect his or her health, safety, physical and mental integrity or that of another person

8. SPECIFIC OBLIGATIONS

8.1 RULE 1 – Conflicts of Interest

8.1.1 An employee shall avoid any situation where he must knowingly choose between the interests of the Municipality and his or her own personal interest or, improperly, that of any other person.

8.1.2 The employee must:

1. assume his duties faithfully in accordance with applicable laws including the By-law in force at the Municipality or in any other municipal body;
2. refrain from having knowingly, directly or indirectly, through him or herself or a partner, a contract with the Municipality. This prohibition does not however apply to a legal contract;
3. when a situation is likely to lead to conflicts of interest, to 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 order to favor in the exercise of his or her functions, his or her personal interests or, improperly, those of any other person;
2. to take advantage of his or her position to influence, or attempt to influence, the decision of another person so as to favor his or her own personal interests or in an improper manner, those of any other person.

8.2 RULE 2 – The Benefits

8.2.1 It is prohibited for any employee:

1. to solicit, initiate, accept or receive, for himself or herself or for another person, any benefit whatsoever in exchange for a decision, an act, a failure to make a decision or action, or exercising any influence in the course of his or her duties;
2. to accept any advantage, whatever its value, which may affect his or her independence of judgment in the exercise of his or her duties or which may compromise his or her integrity.

8.2.2 It is however not prohibited to accept any benefits that meet the following three conditions:

1. it is received in accordance with a rule of courtesy, protocol, hospitality or usage;
2. it does not consist of a sum of money or any financial security such as a stock, bond or financial instrument;
3. it is not likely to cast doubt on the integrity, independence or impartiality of the employee.

An employee who receives a benefit respecting these conditions must declare it to his immediate supervisor. The declaration must be recorded in a register kept for this purpose by the Secretary-Treasurer | Registrar |.

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 during the course of, or in connection with the exercise of his or her functions and which is not generally made available to the public, in order to promote his or her personal interests or, improperly, those of any other person.

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

8.3.3 When in doubt, the employee should 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 verify the public or confidential nature of information.

8.4 RULE 4 – The use of Municipal Resources

8.4.1 It is forbidden for an employee to use the Municipality's resources for personal use or for purposes other than the performance of his or her functions.

This prohibition does not apply however to the use of resources made available to citizens under non-preferential conditions.

8.4.2 The employee must:

1. use the Municipality's property with care. He or she must use it, in carrying out his or her duties, in accordance with the policies, rules and guidelines in force;
2. hold, at all times, any license 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 work colleague, a member of the Municipal Council or any other person must be based on respect, consideration and civility.

8.5.2 The employee must:

- 1° act fairly in the performance of his or her functions and shall not grant preferential treatment to a person at the expense of others;
- 2° refrain from making insulting comments or harassing a person whether by attitude, words, or gestures that could undermine their dignity or integrity;
- 3° use language appropriate to the exercise of his or her functions.

8.6 RULE 6 – The Obligation of Loyalty

8.6.1 The employee must be loyal and faithful to his or her commitments to the employer.

Without limiting the scope of the foregoing, any person who leaves the employment of the Municipality should not take undue advantage of the functions he or she has occupied.

8.7 RULE 7 – Sobriety

8.7.1 It is forbidden for an employee to consume or encourage anyone to consume alcoholic beverages, illegal drugs or cannabis while working. An employee may not be under the influence of alcohol or drugs as he or she performs his or her work.

However, an employee who, in the course of duties, participates in an event where alcoholic beverages are served does not contravene to this rule if it is a reasonable consumption.

8.8 RULE 8 – Announcement at a Political Fund-raising Event

8.8.1 It is prohibited for any municipal employee to make an announcement at a political fund-raising event of the realization of a project, the conclusion of a contract or the granting of a subsidy by the Municipality, unless a final decision on this project, contract of subsidy has already been taken by the competent authority of the Municipality.

8.9 RULE 9 – Obligations Following Termination of Employment

8.9.1 The following employees of the Municipality are prohibited:

1. The Director General and his assistant;
2. The Clerk-Treasurer and his assistant;
3. The Treasurer and his assistant;
4. The Clerk and Deputy Clerk;

Within twelve (12) months of termination of employment to 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 duties as an employee of the Municipality.

9. Sanctions

9.1 A breach of the present Code may result, upon decision by the Municipal Council or Director General - if he or she has the power according to the Act, a By-law or a resolution - and in respect of any employment contract, in the application of a sanction appropriate to the nature and seriousness of this breach.

9.2 In the case of a breach of duty that applies after termination of the employment contract, the Municipality may, in certain circumstances, apply to the courts for redress or, in general, to protect its rights.

9.3 The Municipality recognizes the remedial aspect of discipline in the workplace. It recognizes that disciplinary measures imposed will be fair, reasonable and proportional to the gravity of the alleged misconduct.

10. Implementation and Monitoring

10.1 Any complaints from citizens regarding the present Code should:

1. be submitted in a confidential letter to the Director General (Secretary-Treasurer), who will, if appropriate, determine whether there has been a violation to the Code of Ethics and Good Conduct;
2. be complete, in written format, justified and accompanied, if applicable, with any supporting documents, and originate from any person who has knowledge of a breach to the present Code of Ethics and Good Conduct.

10.2 With respect to the Director General | Secretary-Treasurer |, any complaint must be submitted to the Mayor of the Municipality. Paragraphs 1 and 2 of the preceding paragraph shall apply with the necessary modifications.

10.3 No sanction may be imposed on an employee without the latter having:

1. been informed of an allegation addressed to him or her;
2. had the opportunity to be heard.