



PROVINCE OF QUEBEC
TOWN OF KIRKLAND

BY-LAW NO : GEN-2022-54

**CODE OF ETHICS AND PROFESSIONAL CONDUCT FOR
MUNICIPAL EMPLOYEES OF THE TOWN OF KIRKLAND**

DRAFT

ADOPTION PROCEDURE

Notice of motion:	March 7, 2022
Tabling of draft by-law:	March 7, 2022
Public notice - Draft by-law:	March 11, 2022
Adoption of by-law:	April 4, 2022
Publication:	April 8, 2022
Coming into force:	April 8, 2022

WHEREAS the *Municipal Ethics and Good Conduct Act*, which came into effect on December 2, 2010, obliges municipalities to adopt a code of ethics and professional conduct for municipal employees;

WHEREAS the *Act to amend the Act respecting elections and referendums in municipalities, the Municipal Ethics and Good Conduct Act and various legislative provisions* (Bill 49), assented to on November 5, 2021, provides for amendments to the *Municipal Ethics and Good Conduct Act* that must be incorporated into the code of ethics and conduct for municipal employees of the Town of Kirkland;

WHEREAS pursuant to section 356 of the *Cities and Towns Act* (CQLR, c. C-19), notice of motion of this by-law was given and a draft of this by-law was tabled at the regular sitting of the municipal council held on March 7, 2022;

WHEREAS copy of this by-law was made available to the public;

WHEREAS the formalities provided for in the *Municipal Ethics and Good Conduct Act* have been respected;

WHEREAS the Preamble forms an integral part of this by-law;

THE MUNICIPAL COUNCIL DECREES AS FOLLOWS:

SECTION 1: TITLE

The title of this code is: *Code of Ethics and Professional Conduct for Municipal Employees of the Town of Kirkland*.

SECTION 2: APPLICATION OF THE CODE

This code applies to every employee of the Town of Kirkland.

The Town's contractors, suppliers and associated organizations shall respect the rules of this code that are made applicable to them by contract or agreement.

SECTION 3: OBJECTIVES OF THE CODE

The objectives of the code are as follows:

- 1) Give priority to the municipality's values;
- 2) Institute standards of conduct that foster the adoption of these values;
- 3) Prevent ethical conflicts and should any arise, resolve them effectively and with good judgment;
- 4) Apply control measures to breaches of ethics.

SECTION 4: VALUES OF THE MUNICIPALITY

The employees of the Town of Kirkland are dedicated to continuously improving the quality of life of citizens by providing effective and fiscally responsible services in an inclusive, healthy, safe and sustainable community.

The following values shall serve as a guide for the conduct of municipal employees, especially when the situations encountered are not explicitly set out in this code or by the various policies of the municipality.

1) Integrity

All employees value honesty, rigor and justice.

2) Prudence in the pursuit of the public interest

All employees take responsibility for the public interest mission they are entrusted with. In fulfilling this mission, they act with professionalism, vigilance and discernment.

3) Respect and civility towards other municipal employees, council members and citizens

All employees promote respect and civility in human relations. They are entitled to it and shall act with respect and civility towards all those with whom they have dealings in the course of their duties.

4) Loyalty to the municipality

All employees act in the best interest of the municipality.

5) Quest for equity

All employees treat every person fairly and, as far as possible, interpret applicable laws and regulations in accordance with their spirit.

6) Honor attached to the duties of employees of the municipality

All employees protect the honor attached to their duties, which presupposes the constant practice of the above-mentioned values: integrity, prudence, respect and civility, loyalty and equity.

SECTION 5: RULES OF CONDUCT

5.1. Application

The rules set out in this section shall guide the conduct of municipal employees.

5.2. Objectives

These rules aim, in particular, to prevent:

- 1) Any situation where the private interest of an employee might impair his or her independence of judgment in carrying out their duties;
- 2) Any situation that would run counter to any provision of a government law or by-law or a municipal council by-law or an employee guideline;
- 3) Favoritism, embezzlement, breach of trust or other misconduct.

5.3. Conflicts of interest

5.3.1. It is forbidden for employees to act or attempt to act, or omit to act, in any way, in carrying out their duties, so as to further their private interests or improperly further those of another person.

5.3.2. It is forbidden for employees to use their position to influence or attempt to influence another person's decision so as to further their private interests or improperly further those of another person.

- 5.3.3. It is forbidden for employees to solicit, elicit, accept or receive any benefit, whether for themselves or for another person, in exchange for taking a position.
- 5.3.4. It is forbidden for employees to accept any gift, hospitality or other benefit, whatever its value, that is offered by a supplier of goods or services or that may impair their independence of judgement in carrying out their duties, or that may compromise their integrity.
- 5.3.5. The employee to whom is given an item for the use of the municipality (sample, complimentary, prototype, promotional article, etc.) shall turn it over to his or her immediate supervisor who ensures that it will serve for municipal purposes.

5.4. Use of municipal resources

It is forbidden for employees to use municipal resources for personal purposes or for any purpose other than activities related to their duties, subject to a specific policy controlling that use.

This ban does not apply when an employee uses, under non-preferential conditions, a resource placed at the disposition of the citizens.

5.5. Use or communication of confidential information

Employees must not make use of confidential information they obtain in or in connection with the execution of their duties. These obligations continue for a reasonable time after the cessation of employment and continue indefinitely when the information relates to the reputation or private life of others.

5.6. Breach of trust and embezzlement

It is forbidden for employees to misappropriate municipal property for their own use or the use of another person.

5.7. Political financing activities

Employees are prohibited from announcing, during a political financing activity, the carrying out of a project, the making of a contract or the granting of a subsidy by the municipality, unless a final decision regarding the project, contract or subsidy has already been made by the competent authority of the municipality.

5.8. Harassment

Employees must promote, in carrying out their duties, a harmonious work environment, free of all forms of intimidation and harassment.

It is prohibited for employees to hold, adopt or convey, directly or indirectly, including through social media, words, gestures, images or behaviours that are threatening or of a nature to ridicule, injure, humiliate, belittle, discriminate, ostracize or exclude another employee, a council member or a citizen or to cause them to lose their self-esteem.

It is prohibited for employees to engage in concerted, targeted or repeated conduct directed at another employee, a council member or a citizen that has the actual or potential effect of creating a negative or hostile environment for that person, causing that person fear, distress or insecurity, or causing that person bodily, psychological, moral, social or material harm.

5.9. Obligations following termination of employment

Within twelve months of the termination of their employment, it is forbidden for the following persons:

- 1) the director general and the assistant director general;

- 2) the treasurer and the assistant treasurer;
- 3) the town clerk and the assistant town clerk;
- 4) any other employee designated by the council of the municipality;

to serve as a director or officer or senior executive of a legal person or hold employment or any other position so as to obtain for himself or herself or another person undue benefit from his or her prior duties as an employee of the municipality.

SECTION 6: PREVENTION MECHANISM

Employees who feel they have been placed directly or indirectly in a situation of real, potential or apparent conflict of interest, or who are likely to otherwise contravene this code of ethics and professional conduct, shall advise their immediate supervisor, a director or the director general.

In the case of the director general, he must advise the mayor.

SECTION 7: BREACH AND DISCIPLINARY MEASURES

A violation by an employee of a rule set out in this code of ethics and professional conduct may, on the decision of the municipality and subject to any employment contract, lead to the application of disciplinary measures appropriate to the nature and severity of the violation.

Before imposing a disciplinary measure on an employee, the municipality provides the employee an opportunity to explain himself or herself.

SECTION 8: OTHER CODE OF ETHICS AND PROFESSIONAL CONDUCT

This code shall not be interpreted to restrict the obligations imposed on municipal employees by laws, by-laws, codes of professional conduct, work contracts including collective agreements, policies or municipal guidelines.

SECTION 9: COMING INTO FORCE

This by-law replaces By-law No 2012-56.

SECTION 10: COMING INTO FORCE

This by-law shall come into force in accordance with the law.

(Michel Gibson)

Mayor

(Annie Riendeau)

Town Clerk