
BY-LAW RESPECTING THE ADOPTION
OF A REVISED CODE OF ETHICS AND
GOOD CONDUCT FOR CITY OF POINTE-
CLAIRE EMPLOYEES

In force on December 12, 2022

AT THE REGULAR MEETING OF THE COUNCIL OF THE CITY OF POINTE-CLAIRE,
HELD AT CITY HALL, 451, SAINT-JEAN BOULEVARD, POINTE-CLAIRE, QUEBEC, ON
DECEMBER 6, 2022 AT 7:00 P.M.

PRESENT: Councillors T. Stainforth and K. Thorstad-Cullen, as well as
Councillors P. Bissonnette, E. Stork and B. Tremblay, forming
quorum under the chairmanship of Mayor Tim Thomas.

ABSENT: Councillors C. Homan and E. Tedford, as well as Councillor B.
Cowan.

AMONGST OTHER BUSINESS TRANSACTED AT SAID
MEETING WAS THE FOLLOWING:

BY-LAW NUMBER: PC-2955

RESOLUTION NUMBER: 2022-665

PROPOSED BY COUNCILLOR THORSTAD-CULLEN

SECONDED BY COUNCILLOR STORK

AND RESOLVED:

WHEREAS the formalities set out in the *Municipal Ethics and Good Conduct Act* have been observed;

WHEREAS notice of motion was given at a regular City Council sitting held on November 8, 2022;

To adopt the following Code of ethics and good conduct:

ARTICLE 1: TITLE

The title of this Code is: Code of Ethics and Good Conduct of the Employees of the City of Pointe-Claire (hereinafter referred to as the "Code of ethics").

ARTICLE 2: Application of the Code

This Code applies to every employee of the City of Pointe-Claire. In this Code, "employee" refers to every salaried person, as well as all volunteers, regardless of hierarchical level and employment status. Compliance with this Code of ethics is an integral part of our responsibilities as employees of the City of Pointe-Claire.

The Human Resources Department Head is responsible for the application, dissemination, implementation and monitoring of this Code, and any breach must be reported to him. He shall perform a periodic evaluation of the Code and recommend any appropriate amendments.

In the event that the Human Resources Department Head is directly or indirectly involved in or concerned by a procedure related to this Code, the City Manager shall thus be responsible for the application and monitoring of the Code of ethics.

Each employee is responsible for complying with the obligations prescribed in this Code of ethics.

ARTICLE 3: Purpose of the Code

The City of Pointe-Claire is a municipal corporation whose mission is to provide local services to the population. Consequently, in order to uphold public confidence in our organization and to ensure the protection of human, information, financial and physical resources of the City of Pointe-Claire, City Council has adopted this Code of ethics governing our conduct as employees. It has used the first person plural, presuming that the employees concerned adhere to the values underlying this Code.

ARTICLE 4: Statement of the values regarding ethics

The following values serve as guidelines for decision-making and, in general, for the conduct of City employees, particularly when the situations encountered are not explicitly provided for in this Code or by the municipality's various policies.

1) Loyalty

As employees, we show loyalty while performing our duties and looking after the City's best interests, avoiding causing it any harm.

2) Integrity

As employees, we acknowledge and value integrity, ethics and transparency as conditions essential to maintaining the trust between the population and elected officials.

3) Competence

We offer services in a competent manner, with diligence, regularity and professionalism in carrying out the tasks and responsibilities entrusted to us.

4) Respect for other employees, citizens and elected officials

Mutual respect is the foundation of all employee interactions with colleagues, citizens, elected officials and City partners. Any form of harassment is prohibited.

5) Pursuit of excellence

The City of Pointe-Claire defines an inspiring vision and calls on all its resources to fulfill its mission. Targeting excellence, the City sets high standards and seeks the continuous improvement of its processes and services for citizens. In doing so, the City establishes itself as a leader. Responsible resource management, effectiveness and efficiency, skills, creativity and innovation are required to meet the standards of excellence that citizens expect.

6) Service quality

Putting the citizens at the heart of our priorities, we manage services and activities based on their needs and expectations while enforcing principles of fairness and legitimacy.

ARTICLE 5: Rules of conduct

5.1 Laws, by-laws, policies and organizational directives

At the City of Pointe-Claire, we perform our duties in accordance with the applicable laws, by-laws, policies and directives. We shall not participate in fraudulent or illegal activities in the course of our duties at the City of Pointe-Claire.

5.2 Conduct

As employees, we perform our duties with respect for others: volunteers, citizens, clients, colleagues, partners and suppliers. At the City of Pointe-Claire, we do not tolerate any form of harassment.

5.3 Conflicts of interest

As employees, we abstain from making any investments that may compromise the impartiality of our decisions. This impartiality could be compromised when we or a close relative has a direct or indirect material interest in an enterprise with which the City does business, thus putting our personal interest into conflict with that of the City. The awarding of a contract can also give rise to a conflict of interest if we hold financial interests or shares of substantial value in a tendering enterprise.

To avoid such situations, we disclose to our superiors all the financial, commercial or business interests that we or a relative has personally, in cases where such interests could

conflict with our professional duties. Moreover, in such cases, we must exclude ourselves from any contract negotiation with these enterprises if such involvement exists.

As employees, we avoid any conflicts of interest. If one occurs, we report it to the Department Head or City Manager.

“Conflict of interest” refers to any actual, potential or apparent situation in which, as employees, we could favour or give the impression of favouring our personal interests or those of a relative to the detriment of the City of Pointe-Claire. Moreover, in accordance with the *Cities and Towns Act*, we cannot, as employees of the City of Pointe-Claire, directly or indirectly have, on our own or by association, a contract with the City of Pointe-Claire.

Situations that may cause conflicts of interest are not limited to those mentioned above. The City expects us to manage our personal business in such a manner as to avoid any situation or apparent situation in which our freedom and independence of judgment at work are at risk of being biased and that we be vigilant enough to identify and present any situation of this kind. Management thus recommends that we be open and frank with our immediate superior and not hesitate to consult other resource persons at the City.

5.4 Use of the City’s resources

As employees, we use the property and information belonging to the City of Pointe-Claire only in the course of our duties or in accordance with previously granted authorizations and not for our own benefit or for the benefit of a relative. Moreover, we take care of the City of Pointe-Claire’s property and protect it from theft, loss or damage. In that regard, we refer you to Article 6 below, which provides for specific provisions to combat theft and fraud at the City of Pointe-Claire.

5.5 Use or disclosure of confidential information

As employees, we respect the confidentiality of any information that becomes known to us in the course of our duties. We disclose it only to the persons authorized to know it. Moreover, we access only the information necessary to us in the performance of our duties.

Public information is communicated based on the practices in place in the departments concerned or in accordance with applicable laws.

The confidential information known to us may not be used to obtain an advantage for ourselves or a relative.

“Relative” refers to any person united by ties of blood, adoption or marriage, or *de facto* spouses. It also applies to any enterprise, partnership or company in which the employee or his or her close relatives have a material interest.

As employees, we are required to take the necessary measures to ensure the confidentiality of information is maintained.

For example:

- By not making documents containing confidential information easily accessible to or leaving them in sight of outsiders or other employees who are not concerned;
- By sending these documents only to the persons authorized to receive them;

- By taking appropriate physical and electronic measures to ensure the protection of these documents;
- By not discussing the information in public;
- By using appropriate means of transmitting documents that preserve their confidentiality;
- By disposing of these documents in the appropriate manner (shredding, archiving, etc.);
- By returning these documents at the end of employment;
- By writing "confidential" on confidential documents that must be circulated.

The confidentiality obligations shall survive the termination of employment with the City of Pointe-Claire.

5.6 External activities and political activities

As employees at the City of Pointe-Claire, we give priority to the positions we hold; no external activity that we decide to carry out shall hinder the performance of our duties at the City. Moreover, in accordance with the *Act respecting elections and referendums in municipalities*, we may not hold office on the Council of the City of Pointe-Claire.

The City of Pointe-Claire does not wish to and must not, under any circumstances, be associated with an employee's personal initiative with regard to political activities, particularly fundraising or partisan activities.

The intellectual property that we create in the course of our duties belongs to the City of Pointe-Claire. Any document in the City's possession, whose confidentiality or dissemination are subject to protection under the Copyright Act R.C.S., 1985, C-C-42, may only be used by an employee within his or her powers and shall not be shared with a third party without the consent of the rights holder.

"Intellectual property" refers to the information or documents arising from an intellectual or creative activity, including all types of scientific or technical discoveries, in a useful and transferable form and which can be protected legally, in particular by patents, trademarks or copyrights. Intellectual property also includes know-how and industrial and trade secrets.

5.6.1 Political fundraising activity

It is prohibited for any employee to announce, during a political fundraising activity, the carrying out of a project, conclusion of a contract or granting of a subsidy by the City unless a final decision regarding the project, contract or subsidy has already been made by the competent authority at the City.

Any employee who is part of the elected representative office's personnel must respect the prohibition set out in the previous paragraph.

5.7 Gifts, entertainment, donations, services or benefits

As employees, we do not accept gifts, invitations to entertainment activities, donations, services, benefits or any other favour that could influence our work or harm the credibility or image of the City of Pointe-Claire.

5.8 Respect for the organization

In expressing our opinions, we do not claim to speak on behalf of the City of Pointe-Claire or, when specifying our relationship with the City, we do not imply that we are expressing the City's point of view unless we are pre-authorized to do so. We apply this rule to all types of communications, such as statements, speeches, letters and articles, as well as to all media or communication networks, such as newspapers, radio, television, electronic mail, internet or social media.

ARTICLE 6: Theft and fraud

6.1 Definitions

6.1.1. Theft

For the application of the Code of ethics, theft is defined as the act of appropriating, fraudulently or without authorization, for his personal use or for the use of another person, the property of others or the property belonging to the City. It therefore includes taking out of City buildings material, or work tools or equipment belonging to the City or borrowing material, or work tools or equipment without authorization. Theft can also include, in particular, the theft of time.

6.1.2 City property

For the application of the Code of ethics, the expression "City property" includes, in particular, money, equipment, material, materials, installations, work vehicles and information.

6.1.3 Fraud

The fraud contemplated by this Code of ethics covers an extended range of reprehensible and intolerable acts. The following acts, among others, in regard to the City of Pointe-Claire and its assets are contemplated, although they do not constitute an exhaustive list:

- Theft of property or equipment;
- Abusive or unauthorized use of property belonging to the City;
- Misappropriation of property belonging to the City for one's own use or the use of a third person;
- Malfeasance;
- Circumvention of controls by the administration;
- Falsification of financial statements;
- Vandalism;
- Any other offence deemed reprehensible by the administration and/or the City Council.

ARTICLE 7: Repeal of the previous Code

7.1 Declarations of irregularities

As employees, we have a responsibility to report any situation that does not comply with this code. In addition, if we find or suspect that an irregularity of a legal or financial nature has been committed in the City of Pointe-Claire, we are responsible for reporting it to the Human Resources Department or to the City Manager's Office.

7.2 Investigation and penalties

When deemed necessary, the City administration will proceed with a serious and complete investigation of the facts reported to it. The City will comply with the investigation procedures and disciplinary measures provided for in any applicable labour contracts or collective agreements.

If it is established that there has indeed been a violation by an employee, the City shall meet with that employee and allow him to give his version of the facts.

Any employee who fails to comply with the rules of the Code of ethics will be subject, upon the decision of the municipality and in keeping with any labour contract, to a penalty appropriate to the nature and gravity of the violation.

The employee will also be held responsible for all the damage caused the City by his actions or the consequences of his actions.

In addition, the City may institute the judicial proceedings it deems necessary, including a complaint of a criminal nature.

7.3 Confidentiality

The City will protect and support employees who, in good faith, report violations of the Code of ethics, including cases of fraud or abuse and will take the necessary measures to ensure the confidentiality of the identity of any person making a disclosure.

All participants in an investigation will protect the confidentiality of the details and findings of the investigation.

7.4 Consequences

If we do not respect the essence or the rules of this Code, we could be liable to measures deemed appropriate based on the seriousness of the situation. However, there will be no reprisals and no sanctions if we denounce in good faith a situation that contravenes this Code.

However, mutual respect among City of Pointe-Claire employees is also part of the rules of professional conduct protected by this Code. In the event of abusive whistleblowing, bad faith with malicious intent, or exaggeration or recklessness with regard to a colleague's reputation, the aggrieved employee, then considered guilty, may also be sanctioned or imposed appropriate disciplinary measures. As such, the Director entrusted with studying and following up on complaints may, in his or her report, recommend appropriate measures to be taken in the event of complaints deemed ill-intentioned.

ARTICLE 8: Post-employment rules

In the twelve months following the end of his term of work, it is prohibited for the following employees to hold a position as an administrator or director of a legal person, employment or any other function in such a way that he himself or any other person derives an undue advantage from his prior duties as an employee of the City:

- The City Manager and his Assistant City Manager;
- The Treasurer and his Assistant Treasurer;
- The City Clerk and his City Clerk assistant;
- Any other department Director Assistant Director.

ARTICLE 9: Repeal of previous code

This by-law repeals and replaces by-law number PC-2885 and all its amendments, for all legal purposes.

ARTICLE 10: Interpretation


This Code of ethics must not be interpreted as limiting the obligations imposed on a city employee or a member by the law, a by-law, a code of professional conduct, a labour contract including a collective agreement, a policy or a city directive.

ARTICLE 11: Entry into force

This by-law enters into force in accordance with the *Municipal Ethics and Good Conduct Act*.



Tim Thomas, Mayor



Caroline Thibault, City Clerk