

BY-LAW NO. 2580

**BY-LAW 2580 READOPTING THE CODE OF ETHICS
AND GOOD CONDUCT FOR THE EMPLOYEES OF
THE CITY OF CÔTE SAINT-LUC**

At a Regular Council Sitting of the Côte Saint-Luc City Council, held on Monday, April 11, 2022, at 5801 Cavendish Boulevard, Côte Saint-Luc, at 8:00 p.m. at which were present:

Mayor Mitchell Brownstein, B. Comm., B.C.L., L.L.B

Councillor Lior Azerad

Councillor Sidney Benizri

Councillor Dida Berku, B.C.L.

Councillor Mike Cohen, B.A.

Councillor Steven Erdelyi, B.Sc., B.Ed.

Councillor Mitch Kujavsky, B. Comm.

Councillor Oren Sebag, B.Sc. RN MBA

Councillor Andee Shuster

ALSO PRESENT:

M^e Jonathan Shecter, City Manager and Director of Legal Services and City Clerk

Ms. Tanya Abramovitch, Associate City Manager – Urban Strategy

Ms. Nadia Di Furia, Associate City Manager

WHEREAS the *Municipal Ethics and Good Conduct Act* (“Act”), which came into force on December 2, 2010, requires that every local municipality must have a code of ethics and good conduct which applies to its employees;

WHEREAS the City of Côte Saint-Luc (“City”) duly adopted its Code of Ethics and Good Conduct for the Employees of the City of Côte Saint-Luc (“Code”) on October 22, 2012, under By-Law no. 2393;

WHEREAS as required by Bill 83 – *An Act to amend various municipal – related legislative provisions concerning such matters as political financing*, on September 12, 2016, the City adopted the Code under By-Law 2393-1 amending By-Law no. 2393;

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 *Act respecting ethics and professional conduct in municipal matters* to be incorporated into the Code of Ethics and Good Conduct for the Employees of the City of Cote Saint-Luc;

WHEREAS in accordance with Bill 49, the City wishes to add important components to its Code which includes the enforcement of prohibiting psychological harassment and encouraging civility in the workplace;

WHEREAS the formalities provided for in the Act have been complied with;

WHEREAS a notice of motion for the present by-law will be given at the Regular Sitting of Council to be held on March 14, 2022, at 8:00 p.m.

THAT it be enacted and ordained as By-Law 2580 entitled “By-Law 2580 readopting a Code of Ethics and Good Conduct for the Employees of the City of Côte Saint-Luc” as follows:

SECTION 1: TITLE

The title of this Code is: “*Code of Ethics and Good Conduct for the Employees of the City of Côte Saint-Luc.*”

SECTION 2: DEFINITIONS

The following terms in this Code shall have the following meaning:

“**Act**” means the *Municipal Ethics and Good Conduct Act* pursuant to which this Code was adopted by the City.

“**Benefit**” means an actual or promised gift, donation, travel, hospitality, gratuity, favour, loan, service, benefit, compensation, remuneration, advance, commission, award, amount of money, profit, indemnity, discount, or retribution.

“**City**” means the City of Côte Saint-Luc.

“**City Affiliates**” collectively means, as the context requires, the City customers, the City suppliers and the donors and sponsors of the City.

“**City Clerk**” means the city clerk employed as such by the City and includes the assistant city clerk and, where the foregoing persons are unavailable, the City treasurer.

“**City Customers**” mean the residents of the City as well as the customers and the users of City property, programs, and services.

“**City Manager**” means the City Manager employed as such by the city and includes the Associate City Managers.

“**Civility in the workplace**” means an overall attitude and sensitivity that favors communication,

dialogue, and co-operation between members of Council, Employees, and City Affiliates, as well as participating in the promotion and maintenance of a climate and work environment that is healthy, respectful, harmonious, and free of harassment. Civility in the workplace includes a safe workplace which nurtures respect, creativity, allegiance, commitment, and productivity.

“**Code**” means this *Code of Ethics and Good Conduct for the Elected Municipal Officers of the City of Côte Saint-Luc* adopted by the City, as revised from time to time.

“**Confidential / Privileged Information**” means information that cannot be obtained under the *Act respecting access to documents held by public bodies and the protection of personal information* (R.S.Q. c. A-2.1) and an *Act respecting the Barreau de Quebec*, CQLR, c-B-1 or any private information protected under the *Quebec Charter of Human Rights and Freedoms* or any information that is proprietary in nature and not generally available to the public.

“**Conflict of interest**” means the presence of an interest that is direct or indirect, pecuniary or non-pecuniary or non-pecuniary, that is purely private in nature, known to an employee sufficient to impair his independence of judgement in carrying out the duties of his Employment including, without limitation, the making of a decision or recommendation in respect of an actual or proposed City by-law including a zoning change; resolution; permit or minor exemption; the granting of a City Contract to a particular City Supplier of the City.

“**Council**” means, collectively, all the officials duly elected to sit on the City council, including the Mayor and the City Councillors.

“**Council Member**” means an individual member of Council.

“**Director**” means the director of the Employee’s department or where specifically qualified means the director of the department so indicated.

“**Employee**” means, any person engaged from time to time by the City including, without limitation, full-time, part-time seasonal or auxiliary employees, as the context requires. It also includes, without limitation:

- 1) City Manager and Associate City Managers
- 2) Treasurer and the assistant treasurer
- 3) City Clerk and the Assistant City Clerk; and
- 4) any other employee (Management, unionized or volunteer)

“**Employment**” means the exercise of an employee’s duties and obligations, whether in his respective department, or in any other context where he participates in, gives advice, makes, or influences decisions by reason of powers delegated to him.

“**General Counsel**” means the General Counsel employed by the City and where applicable, includes the Associate General Counsel

“**Intellectual property**” means information produced in an intellectual or creative activity, including scientific and technical discoveries of all types in a useable and transferable form that can be legally protected, specifically but not limited to patents, trademarks, or copyrights, and includes the know-how and expertise developed in connection with an Employee’s duties.

“**Psychological Harassment**” as defined in the *Act respecting labour standards*, CQLR c N-1.1, means vexatious / unwanted behavior that manifests itself in the form of conduct, verbal comments, actions, or gestures generally characterized by the following four (non-cumulative) criteria:

- 1) the behaviors are repetitive;
- 2) they are hostile or unwanted;
- 3) they affect the person’s dignity or psychological integrity; and
- 4) they result in a harmful work environment.”

A single serious incidence of such behavior that has a lasting harmful effect on an employee may also constitute psychological harassment.

“**Term**” means the period of time an Employee is employed or is otherwise engaged by the City;

SECTION 3: INTERPRETATION

Gender: The masculine, feminine and neuter genders used in this Code shall include the other gender(s) where appropriate in the context.

Number: The singular in this Code shall include the plural and *vice versa* where appropriate in the context.

SECTION 4: SCOPE AND APPLICATION

The City's mission and services are essential to its residents. To preserve public trust in the City, this code is intended to guide the conduct of its Employees.

While reference is made in this Code to other applicable legislation, this is not meant to be exhaustive. Other provisions of laws, by-laws, regulations, policies, and directives apply to Employees and their conduct. Pertaining to the applicable provisions of law, this includes, without limitation, the Cities and Towns Act (R.S.Q., c. C-19), the Civil Code (L.Q 1991, c. 64) and the Criminal Code (R.S.C. 1985, c. C-46).

This Code applies to every Employee of the City. Every Employee is responsible for familiarizing himself with the same and complying therewith.

SECTION 5: PURPOSE AND OBJECTIVES OF THIS CODE

The City hereby adopts this Code as a statement of its ethical values to which an Employee must espouse and as a guideline for the conduct of its Employees in the exercise of their Employment during the Term and where indicated, post-Term.

The purpose and objectives of the present Code are as follows:

- 1) to prioritize and ensure adherence to the values of the City as described in section 6 on which the Employees base their decisions, and contribute toward a better understanding of the values of the City;
- 2) to establish rules of conduct and standards of behavior that promote the integration of these values in the general conduct of Employees towards each other, Council, City Affiliates, and City Customers in the decision-making process of their respective department or in any other context.
- 3) to prevent any situation or ethical conflicts in which Employee's private interest might impair their independence of judgment in the course of their Employment, and if they arise, help solve them effectively and with discernment; and
- 4) to ensure measures that enforce this Code and are applied in case of breach of conduct.

SECTION 6: VALUES

Employees shall use the following values to guide their conduct. While doing so, Employees shall uphold and promote the equality of the English and French language within the City.

1. Integrity:

Every Employee shall uphold honesty, diligence, justice in the course of their Employment.

2. Prudence and Competency in the pursuit of public interest:

Employees shall assume the responsibilities related to their mission of serving the public interest. In the accomplishment of their mission, Employees shall act competently, with prudence, professionalism, vigilance, reasonable judgement, and with loyalty by defending the interests of the City and avoiding harming it in any way.

Every Employee shall comply with the laws, regulations, by-laws, policies, and directives applicable in the City.

3. Civility in the workplace and respect between Employees, Council Members, City Affiliates and City Customers:

Employees shall promote respect in their professional and work relationships. Employees are entitled to the right to deference and respect and shall act with reciprocal respect towards all individuals with whom they deal with in the context of their Employment including other Employees, Council Members, City Affiliates, and City Customers.

Mutual respect and cooperation are required to achieve the City's goals and implement the City's strategic priorities through the work of Council and Employees.

Employees shall be respected in their role and be able to make decisions based on political neutrality and objectivity and without undue influence.

Employees shall show respect for the professional capacities of the other Employees of the City and shall not injure the professional or ethical reputation of said Employees.

Employees must ensure that they follow the rules concerning psychological harassment as set out in the City's Human Rights and Anti harassment/discrimination policy.

4. Honor attached to the Employment of the Employees of the City:

Employees shall preserve the honor attached to their Employment, which presupposes the continuous application of the three preceding values: integrity, prudence, and civility in the workplace.

SECTION 7: RULES OF CONDUCT

7.1. PREVENTION

The provisions of this Code are intended to guide the conduct of Employees during the Term in connection with their duties of Employment and aim to prevent:

- (a) any situation where the interest of an Employee might impair his independence of judgment in carrying out his Duties and thereby creates for that Employee a Conflict of interest;
- (b) any situation that would be contrary to the City's by-laws, policies, regulations, and directives;
- (c) any situation that allows for favoritism, embezzlement, breach of trust, fraudulent or other illegal activities, or other misconduct by an Employee towards other Employees, Council Members, City Affiliates or City Customers; and
- (d) any situation that allows for an Employee to violate the value of Civility in the Workplace and behave in a way that is inconsistent with the City's Human Rights & Anti-harassment/discrimination policy.

7.2 CONFLICT OF INTEREST

- a) Employees are prohibited from acting, or attempting to act, or omitting to act, in the performance of their duties, to further their private interest or improperly further the interest of, in an abusive manner, any other person or persons.
- b) Employees are prohibited from using their position to influence or attempt to influence another person's decisions to further their private interest or improperly further the interest of, in an abusive manner, any other person or persons.
- d) Employees are prohibited from soliciting, eliciting, accepting, or receiving any benefit, whether for themselves or for another person or persons, in exchange for taking a position on a matter.
- e) Employees are prohibited from accepting a Benefit, whatever its value, that is offered by a supplier of goods and services that might impair their independence of judgment in the performance of their Employment, or otherwise compromise their integrity. When in doubt, the Employee must report the Benefit to the General Counsel who if in doubt will report it to the City Manager.
- f) Considering that Benefits could influence or give the appearance of affecting an Employee's ability to make objective and fair decisions, no Employee may accept any Benefits that could influence the duties as set out in their Employment or affect the credibility of the City. When in doubt, the Employee must report the Benefit to the General Counsel who if in doubt will report it to the City Manager.

7.3 USE OF CITY RESOURCES

Employees are prohibited from using the resources of the City for personal use or for purposes other than activities related to their Employment, subject to a specific policy governing such use.

This prohibition does not apply when an Employee uses a resource that are generally available to City residents and do so on non-preferential terms.

7.4 USE OR COMMUNICATION OF CONFIDENTIAL INFORMATION

Employees must respect the Confidentiality of information not generally available to the public but which they have obtained in the course of their Employment. This confidentiality applies both during and after their Term of employment, they are further prohibited from using or communicating, or attempting to use or communicate, such information to further their private interests or those of another person or persons. Confidentiality obligations continue for a reasonable period of time following the termination of employment at the City and continue for an indefinite period where the information relates to a person's reputation or private life.

Confidential information made available to an Employee cannot be used for personal benefit or the benefit of a related person (individual related linked by blood, adoption, or marriage to an employee or who is living in a common-law relationship with an employee). This term also applies to any corporation or company in which the employee or any of his/her relatives has a direct or indirect interest.

Every Employee is responsible for taking the necessary measures to protect and maintain the confidentiality of information.

This objective may be achieved in the following ways:

- by ensuring that confidential documents are not left in view of any outside person or other employees not involved;
- by distributing documents only to individuals authorized to receive them;
- by taking the appropriate physical and electronic measures to ensure the protection of documents;
- by not discussing confidential information in public;
- by using the appropriate means to distribute confidential documents;
- by appropriately preventing access to documents (shredding, archiving, etc.);
- by returning documents after use;
- by writing "confidential" on confidential documents that are to be circulated.

7.5 INTELLECTUAL PROPERTY

The Intellectual property rights of any work produced while carrying out Employment belong to the City. An Employee must inform the City immediately and in writing of any intellectual property he has developed, either alone or with others, in connection with his Employment.

7.6 CIVILITY IN THE WORKPLACE and PSYCHOLOGICAL HARASSMENT

Employees are prohibited from behaving in a manner that is inconsistent with Civility in the workplace and are prohibited from performing acts that are within the ambit of Psychological Harassment as defined in this Code towards the Council, Employees, City Affiliates and City Customers.

7.7 BREACH OF TRUST AND EMBEZZLEMENT

Employees are prohibited from committing fraud, embezzlement, theft, or breach of trust and diverting goods belonging to the City for their private use or use by a third party.

7.8 ANNOUNCEMENT DURING A POLITICAL FINANCING ACTIVITY

Council members 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.

A council member who employs an Employee must ensure that those employees comply with the prohibition under the first paragraph. If an employee fails to comply with that prohibition, the council member and the Employee are accountable and subject to the sanctions set out in By-law 2579 respecting the Code of Ethics and Good Conduct of Elected Municipal Officers of the City of Cote Saint-Luc and the rules set out herewith.

7.9 RESPECT FOR THE CITY'S ADMINISTRATION

Employees may not participate in activities or make statements that could tarnish the image or adversely affect the interests of the City.

Employees shall give priority to the duties attached to their Employment with the City and shall ensure that no outside activity in which they are involved adversely affects those duties.

SECTION 8: PREVENTIVE MECHANISM

An Employee who believes that he has been placed, directly or indirectly, in a situation of real, potential, or apparent conflict of interest, or notices or suspects any behavior that is not in compliance with this Code, must notify the Director of his department. If the situation involves the Director, it must be reported to the respective Associate City Manager. In all cases, the Employee has the discretion to report directly to the City Manager, Associate City Manager or General Counsel. In a situation involving the City Manager, the Mayor must be notified. All reporting must be made without the fear of reprisal or other form of discrimination.

SECTION 9: CONSEQUENCES OF BREACH

Noncompliance with a rule provided for in this Code by an Employee may result, by decision of the City, and in compliance with the Employees contract of employment, collective agreement, or any other relevant applicable laws, entail the application of any sanction warranted by the nature and seriousness of the breach.

SECTION 10: PERSONS RESPONSIBLE FOR THE APPLICATION OF THE CODE

The City Manager and the Associate City Manager shall ensure that this Code is complied with, and the proper consequences of the breach are applied.

SECTION 11: REPLACEMENT AND COMING INTO FORCE

This by-law replaces by-law 2393 and 2393-1 and shall come into force according to law.

MITCHELL BROWNSTEIN
MAYOR

JONATHAN SHECTER
CITY CLERK

ORIGINAL

**PROVINCE OF QUÉBEC
CITY OF CÔTE SAINT-LUC**

BY-LAW No. 2580

**BY-LAW 2580 READOPTING THE CODE
OF ETHICS AND GOOD CONDUCT FOR
THE EMPLOYEES OF THE CITY OF
CÔTE SAINT-LUC**

ADOPTED ON: _____

IN FORCE ON: _____

ORIGINAL