

**BY-LAW No. 799 REGARDING THE  
ADOPTION OF A CODE OF ETHICS  
AND CONDUCT FOR MUNICIPAL  
EMPLOYEES OF THE TOWN OF  
HAMPSTEAD**

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**WHEREAS** the *Municipal Ethics and Good Conduct Act*, sanctioned December 2<sup>nd</sup>, 2010, requires all municipalities to adopt a code of ethics to ensure that municipal employees explicitly adhere to the main ethical values of the municipality, and to provide for the adoption of rules of conduct and the application and enforcement of those rules;

**WHEREAS** the council of any municipality that does not have such a code that meets the requirements of the *Municipal Ethics and Good Conduct Act* must adopt one By-law no later than December 2<sup>nd</sup>, 2012;

**WHEREAS** the formalities set out under the *Municipal Ethics and Good Conduct Act* have been upheld;

**WHEREAS** Notice of Motion of the present By-law was given at the September 11<sup>th</sup>, 2012 regular council meeting;

**ON NOVEMBER 5TH, THE COUNCIL DECREES THE FOLLOWING:**

**SECTION 1: TITLE**

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

**SECTION 2: APPLICATION OF THE CODE**

This code applies to all employees of the Town of Hampstead.

**SECTION 3: OBJECTIVES OF THE CODE**

This code has the following objectives:

- 1) Give priority to the values of the municipality;
- 2) Institute standards of conduct that foster the adoption of these values;
- 3) Prevent ethical conflicts and, should any arise, resolve them efficiently and with good judgment;
- 4) Ensure that control measures are applied.

## **SECTION 4: VALUES OF THE MUNICIPALITY**

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

### **1) Integrity**

All employees shall conduct themselves with honesty, rectitude and justice.

### **2) Prudence in the pursuit of the public interest**

All employees shall assume the responsibilities related to their mission of public service. To accomplish this mission, employees shall act with professionalism, vigilance and good judgment.

### **3) Respect toward other municipal employees, elected officials and citizens**

All employees shall conduct interpersonal relations with respect. They have the right to respect and shall act with respect toward all people they deal with in the completion of their duties.

### **4) Loyalty to the Town of Hampstead**

All employees shall protect the interests of the municipality under the law and according to municipal By-laws.

### **5) Quest for equity**

All employees shall treat everyone fairly, under the law and according to municipal By-laws.

### **6) Honour attached to the office of municipal employees**

All employees shall safeguard the honour attached to their post, which presupposes the constant practice of the five preceding values: integrity, prudence, respect, 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 his/her duties;
2. any situation that would run counter to any provision of a law or government regulation or a municipal council By-law or an employee guideline;
3. favouritism, 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 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, 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 may impair their independence of judgment in carrying out their duties or risk compromising their integrity.
- 5.3.5** Any gift or sign of hospitality or any other advantage received by an employee that is not of a purely private nature or otherwise covered by Article 5.3.4, shall be declared in writing to the Town Clerk if the object is worth more than \$20.00 within 30 days of receipt. Such declaration shall contain a description of the gift or sign of hospitality and shall set out the name of the donor as well as the date and a description of the circumstances under which it was received. The Town Clerk shall maintain a public register of such declarations.

#### **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 to 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.

### **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.

In the case of the Director General, he or she 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, upon 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.

**SECTION 8: OTHER CODE OF ETHICS AND PROFESSIONAL CONDUCT**

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

**SECTION 9: ENTRY INTO FORCE**

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

(s) William Steinberg  
Dr. William Steinberg, Mayor

(s) Nathalie Lauzière  
Me Nathalie Lauzière, Town clerk