

An aerial photograph of a city skyline at sunset. The sky is a warm orange and yellow. Several tall buildings are visible, with smoke or steam rising from some of them. The city is densely packed with buildings, and the foreground shows a snowy landscape with bare trees and a body of water.

Code of Ethics And Conduct

of City Council and
Borough Council Members



This Code of ethics and conduct was written using gender-neutral language.

BY-LAW

22-016

CODE OF ETHICS AND CONDUCT OF CITY COUNCIL AND BOROUGH COUNCIL MEMBERS

In view of sections 2 and 13 of the Municipal Ethics and Good Conduct Act (CQLR, chapter E-15.1.0.1);

As the trust of the city's population in the integrity and probity of its representatives is essential to the proper democratic functioning of the city's administration and as it is the duty of every council member to perform and to appear to perform their duties in such a manner as to warrant that trust, namely by avoiding real, apparent or potential conflicts of interest;

As this code constitutes a set of rules and measures by which every council member must strictly abide in addition to any provision of a law or by-law to which they are also subjected, namely in application of the Act respecting elections and referendums in municipalities (CQLR, chapter E-2.2), the Cities and Towns Act (CQLR, chapter C-19), the Lobbying Transparency and Ethics Act (CQLR, chapter T-11.011), the Code of Civil Procedure (CQLR, chapter C-25) or of the Criminal code (R.S.C., 1985, chapter C-46) and as they are otherwise not released of the obligation to take all necessary measures, not outlined in this code, to avoid real, potential or apparent conflicts of interest;

City council enacts:

CHAPTER I

INTERPRETATION

1. In this Code, the following terms mean:

"apparent or potential conflict of interest": the presence for a council member, of a personal or pecuniary interest, which, in the eyes of a reasonably informed person, may influence them in the performance of their duties, affecting the impartiality of their opinions or decisions;

"benefit": gift, donation, favor, loan, compensation, advance, advantage, service, commission, reward, remuneration, sum of money, retribution, profit, indemnity, discount, travel or promise of future benefits or hospitality;

"council member": members of Montréal city council and of any borough council, including the mayor and executive committee members;

"harassment": namely, and without limitation, harassment within the meaning of section 81.18 of the Act respecting labor standards (CQLR, chapter N-1.1), that is, vexatious behavior in the form of repeated and hostile or unwanted conduct, verbal comments, actions or gestures, that affects an employee's dignity or psychological or physical integrity and that results in a harmful work environment for the employee. A single serious incidence of such behaviour that has a lasting harmful effect on an employee may also constitute psychological harassment;

"information not available to the public": information that may not be obtained under the Act respecting Access to documents held by public bodies and the Protection of personal information (CQLR, chapter A-2.1);

"pecuniary interest": direct or indirect economic interest, different from public or council members' interest, or that may be perceived as such by a reasonably informed person;

"personal interest": direct or indirect interest, other than pecuniary, different from public or council members' interest, or that may be perceived as such by a reasonably informed person;

"real conflict of interest": presence of a personal or pecuniary interest, known to the council member and sufficient to influence them in the performance of their duties, affecting the impartiality of their opinions or decisions;

"significant others": any person maintaining a privileged relationship with the person concerned, namely their spouse, children, ascendants, brothers or sisters;

"spouse": a person who is related by marriage or civil union to a person, and who cohabitates with that person or who lives in a conjugal relationship with the person, whether they are of the opposite or same sex, and who has publicly been represented as their spouse for at least the past three years, or, in the following cases, for at least the past year:

- (1) they are or will become the parents of a child;
- (2) they have jointly adopted a child;
- (3) one of them has adopted the other's child.

CHAPTER II

ETHICS

- 2. The municipality's main ethical values are the following:
 - (1) the integrity of the members of every council of the municipality;
 - (2) the honor attached to the office of council member;
 - (3) prudence and transparency in the pursuit of the public interest;
 - (4) the respect and civility to be shown to the other council members, to the employees of the municipality, to office staff and to the citizens of the municipality;
 - (5) loyalty to the municipality;
 - (6) the quest for equity.

These values must guide council members in their understanding of the rules of conduct that apply to them.

CHAPTER III

CONDUCT

- 3. Council members must perform their duties and organize their personal affairs in such a manner that they may not hinder the performance of their duties.

SECTION I

CONFLICTS OF INTEREST

SUBSECTION 1 PROVISIONS APPLICABLE TO COUNCIL MEMBERS

- 4. Council members may not place themselves in a real, potential or apparent situation of conflict between, on the one side, their interests and those of their significant others, and on the other side, the duties incumbent to their office.
- 5. Council members may not contravene section 304 of the Act respecting elections and referendums in municipalities (CQLR, chapter E-2.2), and may not, notably, have a direct or indirect interest in a contract with the City in the manner referred to in that section.
- 6. Council members may not contravene section 361 of the Act respecting elections and referendums in municipalities (CQLR, chapter E-2.2). During a council, committee or commission meeting, at the time a matter is considered in which they have a pecuniary interest, a personal interest or interests of significant others, council members must also disclose the general nature of that interest before the beginning of deliberations on the matter concerned and abstain from participating in the deliberations and from

voting or attempting to influence the vote on that matter. Where a matter is taken into consideration during a meeting not attended by the council member, they must disclose the general nature of their interest at the first meeting they attend after becoming aware of that fact.

7. Within 60 days after the declaration of their election, and yearly thereafter, council members must file with the council a written statement of the existence of their pecuniary interests in immovables, legal persons, partnerships and enterprises likely to have contracts with the city or any municipal body of which they are a member, in accordance with section 357 of the Act respecting elections and referendums in municipalities (CQLR, chapter E-2.2). The statement must namely include a list of the employments and administrative positions held by the council member on boards of directors, as well as of the loans they have obtained from a person or body other than a financial institution, or of loans extended to persons other than immediate family members, and on which the balance in principal and interest is over \$2,000.

The statement also mentions the names and positions of the council member's significant others who are City employees.

Council members must inform the City clerk, in writing, of any significant change to the information appearing on their statement within 60 days following the change.

8. Council members may not act, attempt to act or fail to act in such a way as to further, in performing their duties, their personal interests, their pecuniary interest or those of significant others, or improperly further those of any other person.

9. Council members may not use their position to influence or attempt to influence the decision of another person so as to further their own pecuniary interests, personal interests, those of significant others or improperly further those of any other person.

10. No council member may hold employment or any other position, remunerated or not, if they have reason to believe that their impartiality, in the performance of their duties, may diminish as a result.

11. No council member may, within 12 months after the expiry of their term, serve as a director or officer of a legal person or hold employment or any other position so as to obtain for themselves or another person undue benefit from their prior office as council member.

12. Where a council member is put in a situation of conflict of interest unbeknownst to them or against their will, that council member does not contravene this Code. They must however put an end to the situation as soon as possible, no later than within 3 months after the date where they became aware of the situation.

13. Where a council member is, at the time of their election, in a situation of conflict of interest, they must put an end to that situation as soon as possible, no later than within 3 months after being sworn into office.

14. Council members who, as a result of the application of a law, a marriage, a civil union, or of accepting a donation or succession, find themselves in a situation of conflict of interest must put an end to that situation as soon as possible, no later than within 3 months after the occurrence of the event which generated that situation.

15. Council members must, in performing their duties, avoid being influenced by an external offer of employment or the prospect thereof. Any member who considers such an offer must inform the mayor or the chair of the executive committee.
16. Council members who acquire interests by succession or gift and renounce or divest themselves of those interests as soon as possible do not contravene this section. The same applies to council members whose interests consist of holding shares of a corporation that they do not control, of which they are neither a director nor an officer and of which they hold less than 10% of voting shares.

SUBSECTION 2

PROVISION APPLICABLE TO EXECUTIVE COMMITTEE MEMBERS

17. Executive committee members must, within 60 days after the anniversary date of their designation, table in council a written statement indicating:
 - (1) the cases where, in accordance with the provisions in this code, they had to abstain from participating in the executive committee's deliberations so as to avoid a conflict of interest;
 - (2) any interests representing 10% or more of a business corporation's shares, disclosing the name of the business corporation, where the latter has, during the year preceding the statement, requested that the city amend an urban planning by-law under its jurisdiction, as well as the nature of the amendment;
 - (3) capital gain of \$5,000 or more, obtained during the year preceding the statement, with the exception of capital gain from the sale of their principal residence, obtained directly or through a corporation of which they hold 10% or more of the shares, from an immovable located in Montréal.

SECTION II

BENEFITS

18. For the purposes of this Code, the following cases do not constitute a real, apparent or potential conflict of interest, where council members, as part of activities carried out in the performance of their duties, accept a benefit which:

- (1) does not, by its nature, raise doubt concerning the members' integrity or impartiality;
- (2) in no way compromises the integrity of the council, the executive committee, other committees or that of one or several other council members;
- (3) follows rules of courtesy, protocol or hospitality;
- (4) does not consist of a sum of money, shares, bonds or any type of financial instrument;
- (5) is not offered by a supplier of goods or services.

19. Council members who accept or receive a benefit under article 18, must, if that benefit has value of \$200 or more, or where the value of the benefits granted by one person within a 6-month period amounts to \$200 or more, disclose such benefits in writing to the city clerk within 30 days. The disclosure statement must include an accurate description of the benefit received, specify the name of the person who provided it, as well as the circumstances in which that benefit was received. The City clerk tables in council an annual report concerning all disclosure statements received under this article.

20. Article 19 does not apply where:

- (1) the benefit is provided by the government or a municipality, a government or municipal body, or from one of their official agents;
- (2) the advantage is provided by the political party of which they are a member;
- (3) the council member delivers the benefit received to the City.

21. Aside from what they receive from the city, no council member may, directly or indirectly, by themselves or through a third party:

- (1) solicit, accept or receive any benefit, in exchange for taking a position on a matter, intervening or providing a service with respect to a draft by-law, a resolution or any other matter brought or scheduled to be brought before council, the executive committee, a standing committee or in any other circumstance;
- (2) accept any gift, hospitality or other benefit, whatever its value, offered by a supplier of goods or services, or that may impair their independence of judgment in performing their duties, or that may compromise their integrity;
- (3) accept any benefit from an anonymous source.

22. In the case of a benefit received from an anonymous source, if the source can not be determined, council members who received it must deliver it to the City.

SECTION III

USE OF CITY GOODS AND RESSOURCES

- 23. Council members must use City goods and resources for the purposes of the performance of their duties, in accordance with applicable laws, by-laws, policies and directives.
- 24. Council members may not mingle City property with their own, nor use it for their personal profit, directly or indirectly, or by allowing its use by a third party, unless it constitutes a service generally offered by the City.
- 25. Except for the purpose of carrying out their duties, council members may not use the City's crest, seal, flag, coat of arms and graphic symbols.

SECTION IV

CONFIDENTIALITY AND PROTECTION OF PERSONAL INFORMATION

- 26. Council members must preserve the confidentiality of information not available to the public of which they became aware while performing or as part of their duties. This obligation continues beyond the council member's term of office.
- 27. Council members must abstain from using or communicating for their own purposes or for purposes other than the City's, information not available to the public of which they became aware while performing or as part of their duties. This obligation continues beyond the council member's term of office.

SECTION V

ANNOUNCEMENTS

- 28. Council members are prohibited from announcing, during a political financing activity, the carrying out of a project, the conclusion of a contract or the granting of a subsidy by the City, unless a final decision regarding the project, contract or subsidy has already been made by the authority having jurisdiction.

SECTION VI

HONOUR AND DIGNITY

- 29. Council members must not behave in a way that undermines the honour and dignity of the role of elected official.

SECTION VII

RESPECT AND CIVILITY

- 30. Council members must, at all times, act respectfully towards other council members, City employees, office staff members, advisory body members and citizens. For this purpose, the By-law concerning the respect in the workplace policy (19-013) applies to council members.
- 31. Council members may not behave in a disrespectful manner toward other council members, City employees, office staff members, advisory body members and citizens, in particular by using vexatious, denigrating or intimidating language, writings or gestures or any form of vexatious incivility.
- 32. Council members must foster a harmonious and respectful work environment and a healthy and harassment-free workplace.

33. Council members may not discriminate against any person based on race, colour, sex, gender identity or expression, pregnancy, sexual orientation, civil status, age except as provided by law, religion, political convictions, language, ethnic or national origin, social condition, disability or the use of any means to palliate a disability.

SECTION VIII

PROFESSIONAL DEVELOPMENT OF OFFICE STAFF

34. Council members in charge of office staff must see to it that the staff members under their authority participate in the professional development program referred to in section 15 of the Municipal Ethics and Good Conduct Act (CQLR, chapter E-15.1.0.1).

CHAPTER IV

SANCTIONS

35. Any violation of this code may entail the imposition of the following sanctions:

- (1) a reprimand;
- (2) a requirement to participate in a professional development program on municipal ethics and good conduct, at the council member's expense, within the time prescribed by the Commission municipale du Québec;
- (3) the delivery to the municipality, within 30 days after the decision of the Commission municipale du Québec:
 - a) of any, or of the value of any, gift, hospitality or benefit received;
 - b) of any profit made in contravention of a rule set out in the code;
- (4) the reimbursement of the remuneration, allowances or other sums received, for the period determined by the Commission municipale du Québec, as member of a council, a committee or a commission of the municipality, or as member of a body;
- (5) a penalty, not exceeding \$4,000, payable to the municipality;
- (6) the suspension of the council member for a period of up to 90 days; such a suspension may continue after the expiry of the member's term if they are re-elected in an election during the suspension and the latter has not expired on the day the member's new term begins.

When suspended, a council member may not perform any duty related to the office of mayor or councillor, or sit on any council, committee or commission of the municipality, or on any other body in their capacity as council member of the municipality, receive any remuneration, allowance or other sum from the municipality or such a body.

CHAPTER V

FINAL PROVISION

36. This by-law replaces the Code of ethics and conduct of city council and borough council members (22-016).

USEFUL CONTACT DETAILS:

For the ethics and integrity advisor to elected officials and executive staff of the Montréal administration, contact:

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For suggestions, obtaining a copy or any training request on the current code of ethics, contact:

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