

## Regulations and other acts

Gouvernement du Québec

### O.C. 1248-2002, 23 October 2002

Public Service Act  
(R.S.Q., c. F-3.1.1)

#### Ethics and discipline

Regulation respecting ethics and discipline in the public service

WHEREAS, under paragraphs 1 to 3 of section 126 of the Public Service Act (R.S.Q., c. F-3.1.1), the Government may, by regulation, on the advice of the Conseil du trésor, specify the standards of ethics and discipline prescribed in the Act and add to them, define disciplinary action applicable to public servants and determine the conditions under which it may be taken and determine on what conditions and according to what modalities a public servant may be provisionally relieved of his duties and the cases where the relief is with or without remuneration;

WHEREAS, by Order in Council 577-85 dated 27 March 1985, the Government made the Standards of Ethics and Discipline and Provisional Suspension (Public Service) Regulation;

WHEREAS it is expedient to replace the Regulation in order to update the rules in matters of ethics in the public service;

WHEREAS, in accordance with section 128 of the Public Service Act, a draft Regulation respecting ethics and discipline in the public service was published in the *Gazette officielle du Québec* of 19 June 2002, with a notice that it could be made by the Government, with or without amendment, upon the expiry of 30 days from that publication;

WHEREAS it is expedient to make the Regulation respecting ethics and discipline in the public service with amendments;

IT IS ORDERED, therefore, upon the recommendation of the Minister of State for Administration and the Public Service, Minister responsible for Administration and the Public Service and Chair of the Conseil du trésor:

THAT the Regulation respecting ethics and discipline in the public service, attached to this Order in Council, be made.

JEAN ST-GELAIS,  
*Clerk of the Conseil exécutif*

#### Regulation respecting ethics and discipline in the public service

Public Service Act  
(R.S.Q., c. F-3.1.1, s. 126, pars. 1 to 3)

#### CHAPTER I PURPOSE AND APPLICATION

**1.** The purpose of this Regulation is to specify the standards of ethics and discipline applicable to public servants provided for in the Public Service Act (R.S.Q., c. F-3.1.1), to establish new standards and to stipulate the measures applicable, among other things to protect and strengthen public confidence in the integrity and impartiality of the public service and to maintain a high level of quality in the services offered to the general public.

**2.** In case of doubt, public servants shall act in accordance with the spirit of the applicable standards of ethics and discipline.

#### CHAPTER II DUTIES OF PUBLIC SERVANTS

**3.** The duty of discretion set out in section 6 of the Public Service Act, which includes non-disclosure of confidential information, also extends to information obtained by public servants in the performance of their duties.

**4.** Public servants may not obtain confidential information not required for the performance of their duties, nor try to obtain such information.

**5.** Public servants shall avoid placing themselves in a situation where their personal interest enters into conflict with the duties of their position.

Public servants who believe they may be in a situation referred to in the first paragraph shall inform the deputy minister of their department or the chief executive officer of the body or agency for which they work, who may seek an opinion from the Ministère de la Justice and shall advise the public servants of the proper attitude to take.

Where the conflict of interest involves a deputy minister or the secretary of the Conseil du trésor, disclosure shall be made to the Secretary General of the Conseil exécutif.

**6.** Public servants shall not accept gifts, tokens of hospitality or benefits other than customary benefits of modest value.

All other gifts, tokens of hospitality or benefits received must be returned to the giver or handed to the State.

**7.** Public servants shall not mix the property of the State with their own property, nor shall they use the property of the State or information obtained in or during the performance of their duties for the benefit of a third party.

**8.** Public servants who intend to publish a text or be interviewed on matters related to the performance of their duties or to the activities of the department, body or agency for which they perform their duties shall obtain the prior permission of the deputy minister or chief executive officer.

**9.** Public servants shall be permitted to hold a position outside the public service only if:

(1) they ensure that the holding of that position does not hinder their performance as a public servant;

(2) they avoid all conflicts between the exercise of that position and the exercise of the position they hold as a public servant; and

(3) they avoid all other breaches of the standards of ethics applicable to them as a public servant that may be caused by the exercise of that position.

In case of doubt, public servants may ask the opinion of the deputy minister of their department or the chief executive officer of the body or agency for which they work, who may seek the opinion of the Deputy Minister of Justice and shall advise public servants of the proper attitude to take.

**10.** Public servants who cease to perform their duties within the public service shall conduct themselves so as not to obtain undue benefit from their prior position.

**11.** Public servants who cease to perform their duties within the public service shall not disclose confidential information, nor shall they give advice to any person based on information not available to the public concerning the State or a third party with which they had significant direct contact during the year preceding the end of their employment.

**12.** Public servants who acted in connection with a proceeding, negotiation or other transaction shall not act for or on behalf of anyone else in the same proceeding, negotiation or other transaction after ceasing to perform their duties within the public service.

**13.** Public servants who hold an office referred to in section 55 of the Public Service Act shall not, in the year after they cease to perform their duties as a public servant,

(1) accept any appointment to a board of directors or as a member of an entity other than those referred to in the Schedule with which those public servants had official, direct and significant dealings, in the year preceding the end of employment or agree to perform duties or accept employment within such an entity; and

(2) intervene on behalf of an entity other than those referred to in the Schedule with a department where they worked in the year preceding the end of their employment or with another entity referred to in the Schedule with which they had official, direct and significant dealings in that year.

**14.** A public servant, upon discovering that another public servant is violating a provision of section 12 or paragraph 2 of section 13 in connection with a proceeding, negotiation or other transaction, shall inform the deputy minister or the chief executive officer to whom that person reports. The deputy minister or chief executive officer shall take the necessary measures so that the government department, body or agency abstains from dealing with that public servant within the context of that proceeding, negotiation or other transaction, if he or she comes to the same conclusion.

### CHAPTER III PROVISIONAL SUSPENSION

**15.** A writing indicating the decision to suspend a public servant provisionally from his or her duties must be sent or given to the public servant within two working days following the day on which the decision was made.

The writing must indicate any appeal available to the public servant and the procedure for lodging such an appeal.

**16.** Subject to the applicable conditions of employment, the salary of a public servant shall be continued while he or she is on provisional suspension.

**17.** The decision to suspend a State administrator provisionally from his or her duties shall be made by the deputy minister to whom that State administrator reports and the decision to suspend a deputy minister provisionally from his or her duties shall be made by the Secretary General of the Conseil exécutif.

However, if the proposed sanction for a State administrator is dismissal, the Secretary General of the Conseil exécutif may immediately, for a period not exceeding 30 days, either suspend the administrator provisionally from his or her duties without remuneration, or modify a provisional suspension that has already been imposed so that it is thenceforth without remuneration.

#### CHAPTER IV DISCIPLINARY MEASURES

**18.** A disciplinary measure may consist in a reprimand, suspension or dismissal, depending on the nature and gravity of the fault.

**19.** Public servants shall be notified in writing of any disciplinary measure imposed upon them.

The written notice must briefly describe the nature of the alleged fault, and the time and place at which it was committed.

The notice must also indicate any appeal available to public servants and the procedure for lodging such an appeal.

#### CHAPTER V MISCELLANEOUS AND FINAL PROVISIONS

**20.** The deputy minister or chief executive officer shall ensure that the public servants of the department, body or agency comply with the standards of ethics and discipline.

**21.** This Regulation replaces the Standards of Ethics and Discipline and Provisional Suspension (Public Service) Regulation made by Order in Council 577-85 dated 27 March 1985.

**22.** This Regulation comes into force on the fifteenth day following its publication in the *Gazette officielle du Québec*.

#### SCHEDULE

(s. 13)

#### ENTITIES

1. Any public body, government agency and any government enterprise, within the meaning of the Auditor General Act (R.S.Q., c. V-5.01).

2. Université du Québec, its constituent universities, research institutes and superior schools within the meaning of the Act respecting the Université du Québec (R.S.Q., c. U-1).

3. Any educational institution at the university level referred to in paragraphs 1 to 11 of section 1 of the Act respecting educational institutions at the university level (R.S.Q., c. E-14.1) and not referred to in section 2 of this Schedule.

4. Any general and vocational college established under the General and Vocational Colleges Act (R.S.Q., c. C-29).

5. Any school board referred to in the Education Act (R.S.Q., c. I-13.3) or in the Education Act for Cree, Inuit and Naskapi Native Persons (R.S.Q., c. I-14), and the Conseil scolaire de l'île de Montréal.

6. Any private institution accredited for purposes of subsidies under the Act respecting private education (R.S.Q., c. E-9.1).

7. Any other educational institution more than half of the expenditures of which are provided for in the estimates tabled in the National Assembly otherwise than under a transferred appropriation.

8. Any public or private institution under agreement referred to in the Act respecting health services and social services (R.S.Q., c. S-4.2).

9. The regional council established under the Act respecting health services and social services for Cree Native Persons (R.S.Q., c. S-5).

10. Any municipality and any body referred to in section 18 or 19 of the Act respecting the Pension Plan of Elected Municipal Officers (R.S.Q., c. R-9.3).

11. Any regional development council and any local development centre referred to in the Act respecting the Ministère des Régions (R.S.Q., c. M-25.001).

12. Any agency referred to in paragraph 4 of section 4 of the Lobbying Transparency and Ethics Act (2002, c. 23).