



LE PROTECTEUR DU CITOYEN

Assemblée nationale
Québec

CODE OF ETHICS AND CONDUCT
OF THE QUÉBEC OMBUDSMAN

Adopted and effective on March 28, 2011

Justice Fairness Impartiality Respect Transparency





Preamble

WHEREAS as a person designated by the National Assembly to hold an office accountable to it, the Québec Ombudsman has, pursuant to the Public Protector Act (R.S.Q., c. P-32), power of supervision over all the acts of the Government and of the departments and agencies under its jurisdiction and, pursuant to the Act respecting the Health and Social Services Ombudsman (R.S.Q., c. P-31.1), over Québec health and social services authorities;

WHEREAS the Québec Ombudsman assists individuals and groups who request help in their relations with the State;

WHEREAS by virtue of these duties of office, the Members of the National Assembly and the people of Québec expect the Québec Ombudsman to embrace the values of the National Assembly and those proper to it and to observe certain ethical principles;

The Québec Ombudsman hereby establishes this Code of ethics and conduct.

Purpose and application

1. The purpose of this Code is to affirm the principal values embraced by the Québec Ombudsperson and the Deputy Ombudspersons and to set out the ethical principles and rules of conduct they must observe.
2. This Code applies to the Ombudsperson and the Deputy Ombudspersons in the carrying out of their duties of office.

Values and ethical principles

3. The Québec Ombudsperson and the Deputy Ombudspersons carry out their duties of office in keeping with the values of the Québec Ombudsman, which are justice, fairness, respect, impartiality, transparency, integrity, rigour and empathy.

Furthermore, the Québec Ombudsperson and the Deputy Ombudspersons abide by the values of the National Assembly.

4. The conduct of the Québec Ombudsperson and the Deputy Ombudspersons must, in accordance with that set out for the Members of the National Assembly, be characterized by benevolence, integrity, adaptability, wisdom, honesty, sincerity, and justice. Consequently, the Québec Ombudsperson and the Deputy Ombudspersons must:
 - 1° show loyalty towards the people of Québec;
 - 2° recognize that it is their duty to serve the citizens;
 - 3° show rigour and diligence;
 - 4° seek the truth and keep their word; and
 - 5° preserve the memory of how the National Assembly and its democratic institutions function.

5. The Québec Ombudsperson and the Deputy Ombudspersons recognize that the values set out in articles 3 and 4 must guide them in the carrying out of their duties of office and in determining the rules of conduct applicable to them and be taken into account in interpreting those rules.

They strive for consistency between their actions and the values set out in this Code, even when their actions do not in themselves contravene the applicable rules of conduct.

6. The Québec Ombudsperson and the Deputy Ombudspersons recognize that their adherence to these values is essential to maintain the confidence of the people in them and in the Québec Ombudsman and to enable them to fully achieve their mission of serving the public interest.
7. This Code does not preclude any other applicable code of conduct. Should any discrepancies arise, the code with the stricter set of principles and rules prevails.

Benefits and confidentiality

8. The Québec Ombudsperson and Deputy Ombudspersons must not accept any cash amounts or benefits for the carrying out of their duties of office, other than what they are allocated under the Public Protector Act.
9. The Québec Ombudsperson and Deputy Ombudspersons must not, without authorization, disclose any information they obtained in the carrying out of their duties of office.

Exclusivity of duties

10. The Québec Ombudsperson must devote his or her time exclusively to the duties of his or her office and must not hold any other office unless authorized to do so by the National Assembly.

A Deputy Ombudsperson also must devote his or her time exclusively to the duties of his or her office and also must not hold any other office, place or employment unless authorized by the Québec Ombudsperson.

Political neutrality

11. The Québec Ombudsperson and Deputy Ombudspersons must not be members of a political party and must act independently of all partisan considerations.

They must refrain from any public expression of their political opinions.

Conflicts of interest

12. The Québec Ombudsperson and Deputy Ombudspersons must not place themselves in a situation where their private interests may impair their independence of judgement and intervention in the carrying out of their duties of office.
13. When carrying out their duties of office, the Québec Ombudsperson and Deputy Ombudspersons must not:

- 1° act, attempt to act or refrain from acting so as to further their personal interests or those of a family member or non-dependent child, or to improperly further another person's private interests;
- 2° use their position to influence or attempt to influence another person's decision so as to further their personal interests or those of a family member or non-dependent child, or to improperly further another person's private interests;
- 3° use, communicate or attempt to use or communicate information they obtained in or in connection with the carrying out of their duties of office that is not generally available to the public so as to further their or another person's private interests.

For the purposes of this article, members of the immediate family of the Québec Ombudsperson or Deputy Ombudspersons are their spouse within the meaning of the Interpretation Act (R.S.Q., c. I-16), their or their spouse's child, and their father, mother, grandfather, grandmother, father-in-law, mother-in-law, brother, sister, brother-in-law, sister-in-law, grandson or granddaughter.

14. A Québec Ombudsperson who is placed in a situation of conflict of interest must put an end to that situation.
A Deputy Ombudsperson who is placed in a situation of conflict of interest must inform the Québec Ombudsperson without delay and put an end to that situation by the deadline required by him or her.

Gifts and benefits

15. The Québec Ombudsperson and Deputy Ombudspersons must not solicit, elicit, accept or receive any benefit for themselves or for another person, in exchange for speaking or taking a certain position on any issue on which they may be required to make a decision.
16. The Québec Ombudsperson must refuse or, at the first opportunity, return to the donor or deliver to the State, any gift, hospitality or other benefit, whatever its value, that may impair his or her independence of judgement in the carrying out of his or her duties of office or that may compromise his or her integrity or that of the Institution.

Deputy Ombudspersons must refuse or, at the first opportunity and after requesting an opinion from the Québec Ombudsperson, return to the donor or deliver to the State, any gift, hospitality or other benefit, whatever its value, that may impair their independence of judgement in the carrying out of their duties of office or that may compromise their integrity or that of the Institution. If the Deputy Ombudsman refuses such a benefit, he or she so informs the Québec Ombudsperson in writing.

17. The Québec Ombudsperson and Deputy Ombudspersons who receive, directly or indirectly, a gift, hospitality or other benefit must, within 30 days, file a disclosure statement containing an accurate description of the gift, hospitality or benefit received and specifying the name of the donor and the circumstances under which it was received in a register kept by the person in charge of ethical issues within the Institution.

The Québec Ombudsperson's or the Deputy Ombudspersons' disclosure statement also specifies whether the gift, hospitality or benefit received was kept, refused, returned to the donor or delivered to the State.

18. For the purposes of articles 16 and 17, the repeated receipt of gifts, hospitalities or other benefits from the same source must be taken into account.
19. Delivery to the State is carried out in accordance with the rules governing the disposal of assets applicable within the Institution.

Use of the property of the Québec Ombudsman

20. The Québec Ombudsman and Deputy Ombudspersons use and allow the use of the property and services made available to them for the carrying out of their duties of office only for the purposes for which they were made available or according to the terms and conditions that accompany their use.

Post term

21. Former Québec Ombudspersons and Deputy Ombudspersons must conduct themselves so as not to obtain undue benefit from their prior office.
22. Former Québec Ombudspersons and Deputy Ombudspersons must not disclose confidential information obtained in or in connection with the carrying out of their duties of office, and must not give advice to any person based on information not available to the public, obtained in or in connection with the carrying out of their duties of office.
23. The Québec Ombudsman and Deputy Ombudspersons who acted in connection with a proceeding, negotiation or other transaction may not act for or on behalf of anyone else in the same proceeding, negotiation or transaction after leaving office.

Sanctions in the event of violation of the code

24. If the Québec Ombudsman concludes that a Deputy Ombudsperson has violated this Code, he or she may impose one of the following sanctions:
 - 1° a reprimand;
 - 2° the return to the donor, delivery to the State, or reimbursement of the value of the gift, hospitality or benefit received;
 - 3° the reimbursement of indemnities, allowances or other sums received while the violation of this Code continued;
 - 4° temporary suspension, without any indemnity;
 - 5° a recommendation to dismiss, in accordance with the Public Protector Act.
25. The Québec Ombudsman may be dismissed only in accordance with the Public Protector Act, namely, by a resolution of the National Assembly approved by two thirds of its members.

Coming into effect

26. This Code of ethics and conduct comes into effect upon the date of signature by the Québec Ombudsman and is posted on the Institution's website.





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QUEBEC - 525, boul. René-Lévesque Est, bureau 1.25
Québec (Québec) G1R 5Y4 - Phone : **418 643-2688**

MONTREAL - 1080, côte du Beaver Hall, 10^e étage
Montréal (Québec) H2Z 1S8 - Phone : **514 873-2032**

Toll free: **1 800 463-5070**
protecteur@protecteurducitoyen.qc.ca

www.protecteurducitoyen.qc.ca