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Respect and Civility: What Are Municipal Managers' Duties?

Workplaces are required to implement measures to ensure the health, safety, and physical and psychological integrity of their workers. The municipal sector is no exception. It also faces its share of challenges, given the close collaboration and numerous interactions between the different players, not to mention their conflicts. Moreover, the Ministère des Affaires municipales et de l'Habitation recognizes that the municipal field needs support to combat bullying and harassment, and in October 2021 even launched the *Plan d'action pour favoriser le respect et la civilité* (respect and civility action plan) which, among other things, led to the implementation of an awareness campaign in the spring of 2023.

Municipal managers and elected officials need to show an exemplary attitude in the performance of their duties, particularly given the legal and contractual rules that govern their conduct. The specific respect and civility expectations of municipal managers, employees, and elected officials are set out in several pieces of legislation (such as the *Municipal Ethics and Good Conduct Act*),¹ as well as each municipality's own code of ethics and conduct, which must list its "main ethical values." The *Act respecting labour standards*,² the *Civil Code of Québec*,³ and the *Charter of Human Rights and Freedoms*⁴ also apply in this area.

What are respect and civility?

First of all, it is important to remember that breaches of a duty of "respect" or "civility" are somewhat subjective, and must be considered based on the situation and context. However, we can refer to existing definitions, case law, and applicable doctrine for guidance. The Commission municipale du Québec has also published the *Guide des bonnes pratiques, le respect et la civilité*⁵ (in French only), a guide to best practices in which it suggests some commonly used definitions.

According to the Guide, respect consists of recognizing and not threatening the dignity or humanity of any person through abusive, hurtful, offensive, or unnecessary words or actions. Respect means caring about how our actions affect others, being inclusive, and accepting others for who they are, even when they are different. Respect begins with trust and is linked to empathy, integrity, and honesty.⁶

As for civility, the Guide defines it as a set of implicit and explicit norms governing behaviour to promote peaceful and productive relationships, to the benefit of all members of a group. These behaviours align with standards of respect, politeness, courtesy, good manners, and cooperation.⁷

What are the consequences of failing to fulfill these duties?

Civility and respect are key in a municipal setting. Failure to maintain them can result in the municipality losing trust, credibility, and respect in the eyes of the public; damaging relations with stakeholders; and creating a potentially harmful workplace. In addition, depending on the conduct, breaches of the duties of respect and civility may result in:

- Complaints to the municipality and the Commission municipale du Québec, which, when upheld, may lead to sanctions⁸
- Complaints of psychological harassment under the ALS to the Commission des normes, de l'équité, de la santé et de la sécurité du travail (CNESST)
- Complaints to the Commission des droits de la personne et des droits de la jeunesse (CDPDJ) and civil suits for violation of a right under the Charter and the CCQ, for example, for damage to reputation or defamation after certain comments have been made

While the courts do recognize the right to manage, as in the day-to-day management of matters like discipline, attendance, performance, assignment of tasks, application of municipal by-laws and policies, and freedom of expression in debates, managers must always uphold their duties to maintain respect and civility. This, in turn, means they must fully understand the rules of the codes of ethics and conduct for municipal officials and employees and behave civilly and respectfully towards the people they work with.

Please do not hesitate to contact our labour law team if you have any questions.

¹ *Municipal Ethics and Good Conduct Act*, c. E-15.1.0.1 (hereinafter the "MEGCA").

² *Act respecting labour standards*, c. N-1.1 (hereinafter the "ALS").

³ *Civil Code of Québec*, CQLR, c. CCQ-1991 (hereinafter the "CCQ").

⁴ *Charter of Human Rights and Freedoms*, c. C-12 (hereinafter the "Charter").

⁵ Commission municipale du Québec, *Guide des bonnes pratiques, le respect et la civilité*, Government of Québec, 2022. Available online at <https://cmq.gouv.qc.ca/guide-bp-respect-civileite>.

⁶ *Guide des bonnes pratiques, le respect et la civilité*, supra, note 5, p. 5.

⁷ *Guide des bonnes pratiques, le respect et la civilité*, supra, note 5, p. 6.

⁸ See, for example, some of the sanctions for violations by a member of a municipal council, as set out in section 31 of the MEGCA.