



Information for Staff in the Premier's Office and Minister's Offices

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This publication is designed for prospective and current staff who work in the Premier's Office or in the office of a Minister of the Crown. It provides information about the requirements that will be placed upon you under the Conflicts of Interest Act if you accept employment, and what restrictions will be placed upon you when your employment in one of these offices ends.

Are you a staff member that is captured under the Conflicts of Interest Act?

Basically, all staff in the Premier's Office or a Minister's Office, who are not providing basic administrative support functions (eg. secretary/receptionist, scheduler, records clerk, etc.), are deemed to be members of the Premier's or Minister's staff for the purposes of the Conflicts of Interest Act. Your contract of employment will also likely contain a clause clearly identifying that you have certain obligations and restrictions on you in your new role. If you are uncertain if you are a staff member that is subject to the Conflicts of Interest Act, please talk to your supervisor or review your contract of employment.

I am a member of the Premier's or Minister's staff, what does that mean?

Basically, there are a few requirements now placed upon you, which are:

1. Compile and submit a list of 'Persons Directly Associated' with you.

You will need to compile a list of all persons who are directly associated with you, and their addresses, and submit it to the Office of the Ethics Commissioner. A person is directly associated with you if:

1. *the person is your spouse or adult interdependent partner;*
2. *they are a corporation having share capital and carrying on business or activities for profit or gain of which you are a director or senior officer;*
3. *they are a private corporation carrying on business or activities for profit or gain of which you own or are the beneficial owner of shares;*
4. *it is a partnership*
(i) of which you are a partner, or (ii) of which one of the partners is a corporation directly associated with you by reason of clause (b) or (c);
5. *a person or group of persons acting with your express or implied consent.*

Once you have completed and submitted your list, you are only required to update it if the persons, or their addresses, listed change. Your list is also provided, as required under the Conflicts of Interest Act, to your Minister, or in the cases of persons working in the Premier's Office, to the Premier. The necessary forms are available on the website of the Office of the Ethics Commissioner.

<http://www.ethicscommissioner.ab.ca/disclosure/premiers-and-ministers-staff/>

2. Complete and file a full financial disclosure with the Office of the Ethics Commissioner annually.

Each year, at a time prescribed by the Ethics Commissioner (usually summer), you will receive an email from the Office of the Ethics Commissioner advising it is time for your annual financial disclosure and meeting. It is based on your financial affairs at a given point in time. You will be provided a form and will, essentially, be required to fully and completely list all of your and your spouses and children's assets, liabilities, investments, holdings and business interests as of a given date. This can be an invasive and uncomfortable experience for some staff and their spouses. However, it is a requirement under the Conflicts of Interest Act and all staff members must comply in order to continue as a staff member. There are no exceptions.

Once you have filed your financial information, the Office of the Ethics Commissioner reviews the information and then sets up an in person meeting between you (and your spouse if they want) to go over the information and answer any conflict of interest questions or issues you may have, or may be facing in your job. All information submitted will be kept strictly confidential. The necessary forms are available on the website of the Office of the Ethics Commissioner.

<http://www.ethicscommissioner.ab.ca/disclosure/premiers-and-ministers-staff/>

3. When your employment as a member of the Premier's or Minister's staff ends, the Conflicts of Interest Act limits you as to what positions and employment you may seek during your twelve month "cooling off" period.

Many staff members are surprised by the limitations placed on them. The intention of the Act, essentially, is to limit the ability of staff members to improperly use their role or powers while in their office to their advantage to find employment after they leave the role or their employment ends. Post employment or "cooling off" periods are common in most jurisdictions in Canada. Below are the post employment restrictions:

Post-employment restrictions

23.7(1) No former member of the Premier's and Ministers' staff shall, for a period of 12 months from the last day the former member held a position referred to in section 1(1)(c.1), lobby as defined in the Lobbyists Act any public office holder as defined in the Lobbyists Act.

(2) No former member of the Premier's and Ministers' staff shall, for a period of 12 months from the last day the former member held a position referred to in section 1(1)(c.1), act on a commercial basis or make representations on his or her own behalf or on behalf of any other person in connection with any ongoing matter in connection with

which the former member, while a member of the Premier's and Ministers' staff, directly acted for or advised a department or Provincial agency involved in the matter.

(3) No former member of the Premier's and Ministers' staff shall, for a period of 12 months from the last day the former member had a direct and significant official dealing with a department or Provincial agency, make representations with respect to a contract with or benefit from that department or Provincial agency.

(4) No former member of the Premier's and Ministers' staff shall, for a period of 12 months from the last day the former member had a direct and significant official dealing with a department or Provincial agency, solicit or accept on his or her own behalf a contract or benefit from that department or Provincial agency.

(5) No former member of the Premier's and Ministers' staff shall, for a period of 12 months from the last day the former member had a direct and significant official dealing with an individual, organization, board of directors or equivalent body of an organization, accept employment with that individual or organization or an appointment to the board of directors or equivalent body.

(6) Nothing in this section restricts a member or former member of the Premier's and Ministers' staff from accepting employment with a department of the public service or a Provincial agency in accordance with Part 1 of the Public Service Act.

Staff in the Premier's and Ministers' offices may apply on open competitions. However, they are excluded from applying on limited or departmental competitions as they are not Public Service employees. They may accept employment in accordance with Part 1 of the Public Service Act. They should also contact the Talent Acquisition Group with Corporate Human Resources if they have any questions as to whether you are eligible to apply for a certain position.

The definition of "a direct and significant official dealing" is subjective and remains under the sole purview of the Ethics Commissioner of Alberta. What constitutes a direct and significant official dealing is not necessarily limited to cases where there has been lots of interactions and discussions between a staff member and a government entity. In some cases, it may simply be a matter of knowing inside information, or being privy to a single meeting or discussion of a substantive nature.

There are some potential exceptions to these restrictions but they are only granted, on a case by case basis where exceptional circumstances exist, by the Ethics Commissioner and then only under certain conditions. Contravention of these post employment restrictions may result in a prosecution and carries a potential fine of up to \$50,000. You are strongly encouraged to contact the Office of the Ethics Commissioner **before** you accept any employment or volunteer positions where there may be a conflict or contravention of the above restrictions, or where you are unsure whether your interactions with a government entity constitutes a direct and significant official dealing.

Investigations

Any person may request that the Ethics Commissioner conduct an investigation of an alleged breach of the Act by a former staff member. If an investigation is conducted, the former staff member is required to be given reasonable notice of the investigation. A member, or former member, of the Premier's or

Minister's office staff member is required under the Conflicts of Interest Act to cooperate with an investigation, failure to do so may result in other charges or penalties.

Before reporting the findings to the Legislative Assembly, if appropriate, the Ethics Commissioner may provide a copy of the findings to the former staff member against whom allegations have been made. No investigation may be commenced more than 2 years after the date on which the alleged breach occurred.

Where do I go to ask questions, or to seek clarification?

The Office of the Ethics Commissioner is always available, and encourages all staff members to consult with our office when you have ANY questions. Our advice is entirely confidential (we will not disclose any discussions or information to your supervisor without your consent), and we can provide advice on short notice as well.

You can reach us by email at:

Kent Ziegler, Chief Administrative Officer, at kziegler@ethicscommissioner.ab.ca or by phone at 780-422-2273. Our website, <http://www.ethicscommissioner.ab.ca/> also contains a number of brochures and information which may be useful to you as well.