



## **Office of the Ethics Commissioner**

### **Information for Staff in the Premier's Office and Ministers' Offices**

**2017**

This bulletin 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 are placed upon staff under the Conflicts of Interest Act during employment and for one year after employment ceases.

#### **Which staff members are captured under the Conflicts of Interest Act?**

All staff in the Premier's Office or a Minister's Office, who are not providing basic administrative support functions are deemed to be members of the Premier's or Ministers' staff for the purposes of the Conflicts of Interest Act. Individual contracts of employment may also contain a clause clearly identifying the obligations and restrictions applicable.

#### **What are the requirements imposed on these positions?**

Premier's and Ministers' staff must:

**1. Submit a list of persons directly associated**

A list of all persons who are directly associated with a staff member, and their addresses must be submitted to the Office of the Ethics Commissioner within 60 days of commencing employment. A person is directly associated if:

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

Once a list of direct associates has been submitted only updates are required thereafter. The list is forwarded, as required under the Conflicts of Interest Act, to the staff member's Minister, or in the cases of persons working in the Premier's Office, to the Premier.

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

Each year a letter will be sent by the Office of the Ethics Commissioner advising it is time for the annual financial disclosure and meeting. The staff member will be provided with a form and required to fully list all of the staff member's and the spouse or adult interdependent partner and minor children of the staff member's assets, liabilities, investments, holdings and business interests as of a given date. Disclosure 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 the financial information is submitted, the Office of the Ethic Commissioner reviews the information and then sets up an in person meeting between the staff member and the Ethics Commissioner to review the information and address any conflict of interest issues the staff member may have. All information submitted is kept strictly confidential.

### **Restrictions on gifts pursuant to Order in Council OC 502/2014**

Members of the Premier's and Ministers' staff are limited in what gifts, including invitations to events that may be accepted. Gifts from family and friends are exempt. All other gifts must be given as an incident of protocol or social obligation that normally accompany their employment.

The value of the gifts, including invitations even when accompanying the Minister, cannot exceed \$200 from the same source in any calendar year.

### **Post-employment**

When the employment as a member of the Premier's or Ministers' staff ends, the Conflicts of Interest Act limits a former staff member as to what employment may be sought during a twelve month "cooling off" period.

The intention of the Act is to limit the ability of staff members to improperly use the roles or powers they had while a political staff member to their advantage to find employment after their employment ends. Post-employment or "cooling off" periods are common in most jurisdictions in Canada.

Under section 23.7(1) of the Conflicts of Interest Act, no former member of the Premier's and Ministers' staff shall, for a period of twelve months after the last day the position was held:

- lobby government, or
- act on a commercial basis or make representations on the former member's or someone else's behalf to a government entity in connection with any ongoing matter in connection with which the former member, while a member of the staff, directly acted for or advised a department or Provincial agency involved in the matter,

and also shall not, for a period of twelve months from the last day of the direct and significant official dealing:

- make representations with respect to a contract with or benefit from, or solicit or accept on his or her own behalf a contract or benefit from, any government entities with which the former member had a direct and significant official dealing, or
- accept an appointment to a board or employment with any entity with which the former member had a direct and significant official dealing.

The definition of “direct and significant official dealing” is in the sole discretion of the Ethics Commissioner. What constitutes a direct and significant official dealing is not necessarily limited to cases where there has been considerable interaction and discussion involving a former member of the Premier’s and Ministers’ staff. 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.

A member or former member of the Premier’s and Ministers’ staff may apply to the Ethics Commissioner for a waiver or reduction of the above time periods. These are considered on a case by case basis, and certain criteria must be met. The discretion to waive the restriction rests solely with the Ethics Commissioner, and any approval given may be subject to conditions.

Staff in the Premier’s and Ministers’ offices may apply on open competitions for Government of Alberta positions. However, they are excluded from applying on limited or departmental competitions as they are not Public Service employees. They should contact Executive Council’s Human Resources Branch if they have any questions about eligibility to apply for a certain competition.

There are some potential exceptions to these restrictions but they are only considered, on a case by case basis by the Ethics Commissioner. Contravention of these post-employment restrictions may result in a prosecution and carries a potential fine of up to \$50,000. Staff members are strongly encouraged to contact the Office of the Ethics Commissioner **before** accepting any employment or volunteer positions where there may be a conflict or contravention of the above restrictions, or where the staff member is unsure whether interactions with a government entity constitutes a direct and significant official dealing.

### **Code of Conduct**

Political staff members should also refer to the Premier’s and Ministers’ Staff Employment Order (Order in Council 502/2014)

### **Seeking clarification**

The Office of the Ethics Commissioner encourages all staff members to call with questions.