

CHECKLIST FOR REVIEW OF PUBLIC AGENCY CODES OF CONDUCT 2018

A. GENERAL RECOMMENDATIONS REGARDING CODES OF CONDUCT

- | | | |
|---|---|--|
| <p>1. The code of conduct should use plain language.</p> <ul style="list-style-type: none"> - Aim to state general principles, policies, or rules as clearly and briefly as possible, followed by additional explanation or details to clarify as necessary. Use practical examples for clarification purposes where possible. | <p>Yes
<input type="checkbox"/></p> | <p>No
<input type="checkbox"/></p> |
| <p>2. The content of the code of conduct should be balanced in tone.</p> <ul style="list-style-type: none"> - Aim to achieve a balance between content setting out the general principles and intent of the code of conduct, content which describes specific conduct and procedure that is required in particular circumstances, and content which sets out specific conduct that is prohibited. The focus generally should be on describing required conduct and procedure (e.g. how individuals should behave if they are offered a gift, how individuals should behave if they want to engage in political activity, etc.). | <p>Yes
<input type="checkbox"/></p> | <p>No
<input type="checkbox"/></p> |
| <p>3. The code of conduct should address any ethical risks which are particular to the public agency.</p> <ul style="list-style-type: none"> - Consider whether there are risks specific to the public agency's particular mandate or activities that need to be addressed. E.g. should those subject to the code of conduct have restrictions from participating in certain activities licensed, conducted, managed, or overseen by the public agency and/or from having an interest in entities or subject areas regulated by the public agency? | <p>Yes
<input type="checkbox"/></p> | <p>No
<input type="checkbox"/></p> |
| <p>4. The code of conduct should appropriately address areas requiring individual discretion.</p> <ul style="list-style-type: none"> - In areas of activity which necessarily require the exercise of individual discretion, a code of conduct should articulate the general standards of behaviour that must guide the exercise of that individual discretion. A balance should be achieved in these standards between principles which may be overly broad or vague and rules which may be overly detailed or restrictive. | <p>Yes
<input type="checkbox"/></p> | <p>No
<input type="checkbox"/></p> |
| <p>5. The code of conduct should be consolidated and easily available to those subject to it on an ongoing basis.</p> <ul style="list-style-type: none"> - All code of conduct provisions required by the <i>Conflicts of Interest Act</i> must be set out in a single document. Cross-referencing other documents will not be accepted, as it does not provide transparency and it renders it more difficult for readers to ascertain and locate all of the obligations, restrictions and procedures to which they are subject. <p>A public agency may have a limited number of separate codes of conduct (e.g. a code of conduct for board members, a code of conduct for senior officials and employees, or a code of conduct for a particular segment of employees that is significantly distinct from the others). However, each of these codes of conduct must contain all of the provisions applicable to the individuals that are subject to the code and cannot cross-reference separate agreements or policy and procedure documents.</p> | <p>Yes
<input type="checkbox"/></p> | <p>No
<input type="checkbox"/></p> |
| <p>6. The code of conduct should include a preamble setting out the general principles and intent of the code of conduct.</p> <ul style="list-style-type: none"> - <u>See e.g. Preamble of the Code of Conduct and Ethics for the Public Service of Alberta:</u> "The people of Alberta have a right to a public service which is conducted with impartiality and integrity. It is this special obligation to Albertans that demands that there not be, nor seem to be, any conflict between the private interests of employees and their duty to the public. At the same time, it is recognized that employees should enjoy the same rights in | <p>Yes
<input type="checkbox"/></p> | <p>No
<input type="checkbox"/></p> |

their private dealings as any other citizens unless it can be demonstrated that a restriction is essential to the public interest.”

- See e.g. Preamble of the Code of Conduct for Employees Serving in the Offices of the Premier and Cabinet Ministers: “The people of Alberta expect and deserve responsible, accountable government. They must be confident that government is trustworthy and focused on the public interest. Employees that serve the government in the Office of the Premier or in an office of a Cabinet Minister are expected to conduct themselves with the highest standards of professionalism, deportment, ethical behaviour and within the rule of law. Employees must demonstrate the highest degree of integrity, responsibility and accountability to colleagues, the Alberta public service and the people of Alberta.”
- See e.g. Credit Union Deposit Guarantee Corporation Board of Directors Code of Conduct and Ethics “Policy”: “The purpose of the [Code] is to establish the rules governing the business and ethical conduct for members of the Board of Directors (Director) of the Credit Union Deposit Guarantee Corporation (Corporation). The Code reflects a commitment to the Corporate Values of accountability, integrity and respect and provides a framework to guide ethical conduct in a way that upholds the integrity and reputation of the Corporation. The range and complexity of Corporation activities are such that it is not possible to produce an exhaustive list of prohibitions which covers all situations and directors understand that the Code does not cover every specific scenario. Therefore, they use the spirit and intent behind the Code to guide their conduct, and exercise care and diligence in the course of their work with the Corporation [...]”

7. **The code of conduct should include definitions of key terms for the purposes of the code of conduct.** Yes No

8. **The code of conduct should include an Application of Code section.** Yes No

- See e.g. s.3 Alberta Energy Regulator Conflict of Interest Policy: “This Conflict Policy applies to all employees, officers, directors, and hearing commissioners except for any individuals that have been expressly exempted from one or more provisions of this policy. The Ethics Committee or designate has the authority in exceptional circumstances to exempt a member or an employee from application of all or any provisions of the Conflict Policy. This Conflict Policy is in addition to any statute governing members or employees. Conflicts between the private interests of members or employees and their responsibilities to the public not specifically addressed in this Conflict Policy must be dealt with according to the principles and intent of the Conflict Policy.”
- See e.g. Part 2 (Application) of the Code of Conduct and Ethics for the Public Service of Alberta: “(1) This Code applies to all employees. A Deputy Head has the authority in exceptional circumstances to exempt a personal services contract employee from application of the Code. (2) This Code is in addition to any statute pertaining to the actions of employees and to any instructions issued by the Government or a department head to Deputy Heads or Senior Officials. (3) Conflicts between the private interests of employees and their duty to the public not specially addressed in this Code must be dealt with according to the principles and intent of the Code.”

B. CONTENT REQUIRED BY PART 4.3 OF THE AMENDED CONFLICTS OF INTEREST ACT

I. APPLICABLE TO ALL OF THE PUBLIC AGENCY’S MEMBERS, EMPLOYEES, SENIOR OFFICIALS, AND DESIGNATED SENIOR OFFICIALS

1. **Requirement for the public agency’s members, employees, senior officials, and designated senior officials, if any, to be subject to the code of conduct (s.23.922(1))** Yes No

- Pursuant to s.23.922(1), every public agency shall have a code of conduct in respect of its members, employees, senior officials, and designated senior officials, if any.

- The code of conduct should be clear as to who is subject to it (consider including in the Application of Code section (see General Recommendations Regarding Codes of Conduct #8 above)) and this should include all members, employees, senior officials, and designated senior officials as required by s.23.922(1).

2. Requirement to act impartially in carrying out their duties (s.23.922(2)(a))

Yes

No

- Pursuant to s.23.922(2)(a), a public agency's code of conduct must require persons subject to conduct themselves impartially in carrying out their duties.
- See e.g. s.5.1 Alberta Energy Regulator Board of Directors Conflict of Interest Policy: "Members and employees must conduct their duties with impartiality at all times."
- See e.g. s.5.1 Alberta Utilities Commission Conflict of Interest Policy: "AUC members and staff must carry out their duties with impartiality at all times."
- See e.g. s.1.1 Metis Settlements Appeal Tribunal Code of Conduct: "MSAT members must conduct themselves in an unbiased and neutral manner, treating all cases with impartiality and objectivity."

3. Prohibition from acting in self-interest or furthering private interests by virtue of their position or through carrying out their duties (s.23.922(2)(b))

Yes

No

- Pursuant to s.23.922(2)(b), a public agency's code of conduct must prohibit persons subject to it from acting in self-interest or from furthering private interests by virtue of their position or through carrying out their duties.
- See e.g. Alberta Human Rights Commission Code of Conduct, "Principles of Conduct" #6: "Members of the Commission must not act in self-interest or further their private interests by virtue of their position as a Member of the Commission, or through the carrying out of their duties as a Member of the Commission".
- See e.g. Appeals Commission for Alberta Workers' Compensation Code of Conduct Part 1C, Behavioural Standard (h): "Members and employees are governed by the following standards. They must [...] take reasonable steps to avoid situations where they may be placed in a real or apparent conflict between their private interests and the interests of the Commission. In other words, actions or decisions that members and employees take on behalf of the Commission must not provide them with an opportunity to further the private interests of themselves, their families, their business associates or others with whom they have a significant personal or business relationship."
- See e.g. Health Quality Council of Alberta Board of Directors Code of Conduct Policy Statement #9: "Council members shall not use their office to advance their interest or interests of any person or organization with whom they are associated. Council members should disclose any private interest or potential private interest and should take no further part in or be present at any further discussion by the Council of the private interest or potential private interest disclosed [...]".

4. Requirement to disclose real and apparent conflicts of interest (s.23.922(2)(c))

Yes

No

- Pursuant to s.23.922(2)(c), a public agency's code of conduct must require persons subject to the code to disclose real and apparent conflicts of interest.
- See e.g. University of Alberta Board of Governors Conflict Policy – Conflict of Interest and Commitment and Institutional Conflict: "A person engaging in an activity or a situation that involves either existing (actual or perceived) or potential (actual or perceived) conflict shall report the conflict so that it may be assessed and, where appropriate, managed in accordance with the associated procedures [...]".
- See e.g. s.5.1 Alberta Energy Regulator Conflict of Interest Policy: "It is critical that the members and employees disclose all real or perceived conflicts of interest between their AER-related duties and their personal interests and/or relationships".

- See e.g. Natural Resources Conservation Board Code of Conduct “Obligations”, “Disclosure”: “Employees must disclose to the CEO/Chair at the earliest opportunity any situation in which their involvement is a real or perceived conflict of interest.”
- See e.g. Alberta Health Services Conflict of Interest Bylaw s.5: “AHS Representatives have an obligation to disclose all interests which could conflict, appear to conflict, or do conflict with their duties and responsibilities to AHS[...].” and s.12: “An AHS Representative has an ongoing duty to recognize and make full, written disclosure to his or her Manager of any potential, perceived or real conflicts of interest, including an Outside Activity, in accordance with this COI Bylaw in advance of taking the action that gives rise to the conflict of interest or, if it could not be foreseen, immediately upon becoming aware of the potential conflict of interest.”

5. Restrictions and monetary limit regarding gifts (s.23.922(2)(d))

Yes

No

- Pursuant to s.23.922(2)(d), a public agency’s code of conduct must both:
 - (1) Include restrictions to avoid a conflict of interest or the appearance of a conflict of interest due to the acceptance of gifts by the persons subject to the code of conduct; and
 - (2) Establish maximum cash values of gifts, including a maximum cash value of gifts within a year from a single source, that may be accepted by the persons subject to the code of conduct.
- See e.g. s.13 Alberta Energy Regulator Conflict of Interest Policy: Members and employees may not accept fees, gifts, or other benefits that are connected directly or indirectly with the performance of their AER duties from any individual, organization, or corporation, other than
 - the normal exchange of hospitality between persons doing business together;
 - tokens exchanged as part of protocol;
 - the normal presentation of gifts to persons participating in public functions, awards, speeches, lectures, presentations, or seminars.

The above-mentioned gifts and hospitality should be of nominal or nil monetary value. [s.13 Alberta Energy Regulator Conflict of Interest Policy Guide: Generally, the value of gifts should not exceed \$100 and must not include cash or cheques. Events attended should not exceed a value of \$200.]

AER members and employees must not solicit gifts, hospitality, or other benefits from employees of companies regulated by the AER. Gifts, hospitality, or other benefits may be solicited from companies, other than those the AER regulates, for the purpose of club/team events providing that the principles of the Conflict Policy are adhered to.

- See e.g. s.17 of the Code of Conduct for Employees Serving in the Offices of the Premier and Cabinet Ministers: “(a) Members of the Premier’s and Ministers’ staff shall not accept fees, gifts or other benefits that are connected directly or indirectly with the performance of their duties, from any individual, organization or corporation. (b) Subsection (a) does not apply to a fee, gift or other benefit that is accepted by members of the Premier’s and Ministers’ staff as an incident of protocol or of the social obligations that normally accompany employment with the Office of the Premier or the office of a Cabinet Minister. (c) The total value of the fees, gifts, and benefits given from the same source in any calendar year cannot exceed \$200.”
- See e.g. s.9 Alberta Utilities Commission Conflict of Interest Policy: “You may not accept fees, gifts, or other benefits that are connected directly or indirectly with the performance of your AUC duties from any individual, organization, or corporation, other than
 - tokens exchanged as part of protocol;

- the normal presentation of gifts to persons participating in public functions, awards, speeches, lectures, presentations, or seminars; or,
- the normal exchange of hospitality between persons doing business together.

The above-mentioned gifts and hospitality must be of small monetary value. [s.9 Alberta Utilities Commission Conflict of Interest Policy Guide: The value of gifts should not exceed \$50 and must not include cash, cheques, gift cards or gift certificates.]

Commission members shall not accept any fees, gifts or other benefits in any form that may fall under the meaning of the normal exchange of hospitality between persons doing business together.

With respect to staff, the following rules apply:

- Acceptance of free invitations to social, cultural or sporting events is not appropriate especially private events that include only the staff attending the event or only the staff and the donor attending the event. Your executive director or designate, though, has discretion in approving these invitations. Staff must request permission to attend. Approval should be rare.
- Acceptance of free invitations to events where a large cross-section of people have been invited, for example dinners or receptions at the annual CAMPUT conference or Calgary Stampede parties, are generally acceptable. Staff should seek approval from their executive director or designate if there is some doubt as to whether acceptance is appropriate.
- Executive directors may accept lunch invitations but must pay for their own lunch. The usual cautions still apply, for example, if there is a live application, invitations from the applicant or any hearing participant must be declined.
- Staff below the level of executive director may also accept lunch invitations provided that they have the approval of the executive director or designate and staff pay for their own lunch. The usual cautions apply, for example, if there is a live application, invitations from the applicant or any hearing participant must be declined.
- The restrictions on accepting lunch invitations do not apply to staff in the non-regulatory areas of the Commission's business. For example, staff from corporate services may accept lunch invitations from potential or existing service providers, provided that service providers are not companies that we regulate and the lunch falls within the meaning of the normal exchange of hospitality between persons doing business together. However, in all circumstances cautious judgment must be applied so as not to bring the reputation of the AUC into disrepute.

You must not solicit gifts, hospitality, or other benefits from companies and businesses described in Section 8.1. Gifts, hospitality, or other benefits may be solicited from companies, other than those included in Section 8.1, for the purpose of club/team events or charities providing that the principles of the conflict policy are adhered to."

6. Restrictions and process for seeking approval regarding concurrent employment or appointment to other offices (s.23.922(2)(e)) Yes No

- Pursuant to s.23.922(2)(e), a public agency's code of conduct must include both:
 - (1) Restrictions to avoid a conflict of interest or the appearance of a conflict of interest due to a person's involvement in an appointment or employment (including self-employment) other than the appointment or employment that is subject to the code of conduct; and
 - (2) A process by which concurrent appointment or employment may be reviewed and, if consisting with the restrictions in subclause (i), approved in writing.

- See e.g. s.8 Alberta Energy Regulator Conflict of Interest Policy: “[...] members and employees may take supplementary employment, including self-employment, and participate in volunteer activities while employed at the AER, including leaves of absence, unless such pursuits

- cause an actual or perceived conflict of interest (e.g., involvement in companies that the AER directly or indirectly regulates), or
- are performed in such a way as to appear to be an official act or to represent an AER opinion or policy, or
- interfere through telephone calls, or in other ways, with regular duties, or
- involve the use of AER premises and equipment except as stated under the section called Limited Personal Use of AER Premises and Equipment.

Prior to accepting any supplementary employment or participating in a voluntary activity where it appears or where they believe that a conflict of interest might arise, members and employees must notify their designated contact in writing about the nature of such supplementary employment or volunteer activity.

Members and employees cannot accept additional compensation for duties performed in the course of their AER responsibilities.

Members and employees must not allow the performance of their official duties to be influenced by offers of future employment or the anticipation of offers of employment nor may they use their position or AER premises or equipment to solicit services as a private consultant.”

- See e.g. s.10 Code of Conduct and Ethics for the Public Service of Alberta:

“(1) Employees may take supplementary employment including self-employment unless such employment:

- (a) causes an actual or apparent conflict of interest, or
- (b) is performed in such a way as to appear to be an official act, or to represent a Government opinion or policy, or
- (c) interferes through telephone calls, or otherwise, with regular duties, or
- (d) involves the use of Government premises, equipment or supplies, unless such use is otherwise authorized.

(2) Prior to accepting any supplementary employment where it appears or where they believe that a conflict of interest might arise, employees are required to notify the Deputy Head or designate in writing about the nature of such supplementary employment.

(3) Employees shall not accept additional compensation for duties which they perform in the course of their public service employment.

(4) Employees shall not allow the performance of their official duties to be influenced by offers of future employment or the anticipation of offers of employment.”

- See e.g. Alberta Gaming and Liquor Commission Code of Conduct “Outside or Self-Employment”: “Board members may participate in outside or self-employment. Such employment must not:

- a. interfere with job performance or availability for Board work;
- b. involve the use of Alberta Gaming and Liquor Commission property, equipment, tools, computer, materials, supplies or personnel;

- c. be directly or indirectly engaged in any other business or undertaking dealing in liquor and gaming; or
- d. be associated with casinos, racing entertainment centres, bingo associations, lottery ticket sales, raffles or any other gaming operations regulated by the Alberta Gaming and Liquor Commission (with the exception of participating as volunteers in these activities, but not in a named position).

Prior to accepting any employment or a voluntary position where a conflict of interest might arise, Board members are required to notify the Chair in writing.”

- See e.g. s. 13 Code of Conduct for Employees Serving in the Offices of the Premier and Cabinet Ministers:

“(a) Unless an exemption is provided in writing by the member’s Chief of Staff or by the Premier’s Chief of Staff in the case of a Minister’s Chief of Staff:

- (i) the member of the Premier’s and Ministers’ staff shall not enter into other employment;
- (ii) the member of the Premier’s and Ministers’ staff shall not be involved in any business or undertaking other than his or her employment with the government.

(b) The member’s Chief of Staff, or the Premier’s Chief of Staff in the case of a Chief of Staff of a Minister may impose any terms or conditions on an exemption.”

7. Process for receiving and investigating complaints and for responding to a finding of breach (s.23.922(2)(f))

Yes

No

- Pursuant to s.23.922(2)(f), a code of conduct must indicate the public agency’s process for receiving and investigating complaints alleging breach of code and for responding to a finding that a code of conduct has been breached.
- See e.g. Credit Union Deposit Guarantee Corporation Code of Conduct “Administrative Processes” section: “Administrative processes help Directors manage ethical dilemmas, including any actual or perceived conflict of interest concerns.

Administration The Code Administrator receives and ensures the confidentiality of all inquiries and disclosures and ensures that any actual or perceived conflict of interest is avoided or effectively managed. As well, the Code Administrator is responsible for providing advice and managing concerns and complaints concerning potential breaches of the Code, including conflicts of interest within the Corporation. Even though the Corporation may have a delegated process for responding to and managing concerns, the Code Administrator is responsible for ensuring procedural fairness.

Disclosure It is the responsibility of each Director to disclose in writing an actual or perceived conflict of interest that they think could be seen to have an influence on decisions or actions that they may make on behalf of the Corporation. Directors are also required to disclose their membership(s) with credit union(s) to ensure that actual or perceived conflicts of interest are effectively managed. When there is a change in their responsibilities within the Corporation or in their personal circumstance, Directors shall disclose in writing any relevant new or additional information about those interests as soon as possible. Where an actual or perceived conflict of interest cannot be avoided, Directors must take the appropriate steps to manage the conflict. Directors disclose these actual or perceived conflicts of interest so that the Code Administrator is aware of situations that could be seen as influencing the decisions or actions they are making on behalf of the Corporation. This provides Directors, following a review by the Code Administrator, an opportunity to take action to minimize or remove the conflict. To actively manage a conflict of interest, options include:

- removing themselves from matters in which the conflict exists or is perceived to exist;

- giving up the particular private interest causing the conflict; and,
- in rare circumstances, resigning their position with the Corporation.

Reporting a Potential Breach Directors are encouraged to report in writing a potential breach of this Code to the Code Administrator. When reporting a potential breach in good faith and with reasonable grounds, Directors are protected from retaliation for such reporting.

Responding to Potential Breach Once a potential breach has been reported, the Corporation's procedures for responding to and managing a potential breach will be promptly initiated. The Code Administrator will review the circumstance and details of the potential breach and will notify the alleged Director. The alleged Director has the right to complete information and the right to respond fully to the potential breach. The identity of the reporter will not be disclosed unless required by law or in a legal proceeding. The Code Administrator makes a decision and completes a report in a timely manner. The decision may range from finding no potential breach to one that reveals suspected criminal conduct.

Consequences of a Breach Directors who do not comply with the behavioural standards identified in this Code, including taking part in a decision or action that furthers their personal interests, will be subject to appropriate disciplinary action Board Governance Board of Directors – Code of Conduct and Ethics Page 5 of 6 commensurate with the circumstances. Any serious breach of this Policy may be grounds for the Code Administrator to suspend the Director from attending meetings and recommend the Minister rescind the Director's appointment.

Review of a Decision A Director can request in writing that outside counsel review the decision made by the Code Administrator about an actual or perceived breach of the Corporation's Code of Conduct and Ethics, including conflict of interest involving that Director."

- See also Additional Content Recommendation #3 below.

- | | | |
|---|--------------------------|--------------------------|
| 8. Notice period for code of conduct coming into force (s.23.922(2)(g)) | Yes | No |
| | <input type="checkbox"/> | <input type="checkbox"/> |
| <ul style="list-style-type: none"> - Pursuant to s. 23.922(2)(g), a code of conduct must set out the period of notice, from the date on which the code of conduct is made public until the date on or before which the code of conduct will come into force. | | |
| 9. Requirements and matters specified in the regulations (s.23.922(2)(h)) | Yes | No |
| | <input type="checkbox"/> | <input type="checkbox"/> |
| <ul style="list-style-type: none"> - Pursuant to s.23.922(2)(h), a code of conduct must conform to any requirement and include any matter specified in the regulations. - There currently is not a regulation. | | |

II. APPLICABLE TO SENIOR OFFICIALS AND DESIGNATED SENIOR OFFICIALS ONLY

- | | | |
|--|--------------------------|--------------------------|
| 10. Subject-matter of section 23.925 - prohibition from furthering private interests and restrictions on using influence and insider information (s.23.922(2)(b)) | Yes | No |
| | <input type="checkbox"/> | <input type="checkbox"/> |
| <ul style="list-style-type: none"> - Pursuant to s. 23.922(2)(b), in the case of a code of conduct respecting senior officials or designated senior officials, the code of conduct must include all subject matter of s.23.925 and any additional detail regarding the subject-matter of s.23.925 that is appropriate to the particular agency and positions subject to the code. - s.23.925 pertains to senior officials' statutory obligations regarding decisions furthering private interests and essentially requires that: | | |

- (1) A senior official must not take part in a decision in the course of carrying out his/her office or powers knowing that the decision might further a private interest of the senior official, a person directly associated with the senior official, or the senior official's minor or adult child;
- (2) A senior official must not use his/her office or powers to influence or seek to influence a decision to be made by or on behalf of the Crown or a public agency to further a private interest of the senior official, a person directly associated with the senior official or to improperly further any other person's private interest;
- (3) A senior official must not use or communicate information not available to the general public that was gained by the senior official in the course of carrying out his/her office or powers to further or seek to further a private interest of the senior official or any other person's private interest; and
- (4) A senior official must appropriately and adequately disclose a real or apparent conflict of interest.

11. Subject-matter of section 23.926 - restrictions on concurrent employment or appointment to other offices (s.23.922(2)(e)(i)) **Yes** **No**

- | | <input type="checkbox"/> | <input type="checkbox"/> |
|---|--------------------------|--------------------------|
| - Pursuant to s.23.922(2)(e)(i), in the case of a code of conduct respecting senior officials or designated senior officials, the code of conduct must include all subject matter of s.23.926 and any additional detail regarding the subject-matter of s.23.926 that is appropriate to the particular agency and positions subject to the code. | <input type="checkbox"/> | <input type="checkbox"/> |
| - Section 23.926 pertains to particular senior officials' statutory obligations regarding concurrent employment and essentially requires that: (1) CEOs, (2) chairs whose positions have been designated by order of the Lieutenant Governor in Council, and (3) persons holding positions identified by order of the Lieutenant Governor in Council as senior official positions and designated as designated senior officials by order of the Lieutenant Governor in Council must not be involved in any appointment, business, undertaking or employment (including self-employment) other than the appointment, business, undertaking or employment that is subject to the <i>Conflicts of Interest Act</i> , unless they received written approval from the Ethics Commissioner to do so and comply with any conditions that the Ethics Commissioner has included in the approval. | <input type="checkbox"/> | <input type="checkbox"/> |

III. APPLICABLE TO DESIGNATED SENIOR OFFICIALS ONLY

12. Subject-matter of section 23.93 - restrictions on holdings **Yes** **No**

- | | | |
|---|--------------------------|--------------------------|
| - DSOs have statutory restrictions on holdings of publicly-traded securities as provided in s.23.93 of the amended <i>Conflicts of Interest Act</i> . | <input type="checkbox"/> | <input type="checkbox"/> |
| - Codes of conduct applicable to DSOs must be consistent with the restrictions on holdings in s.23.93. | <input type="checkbox"/> | <input type="checkbox"/> |

13. Subject-matter of sections 23.931 and 23.932 – disclosure statements and returns relating to persons directly associated **Yes** **No**

- | | | |
|---|--------------------------|--------------------------|
| - DSOs have statutory disclosure obligations in respect of themselves and persons directly associated as provided in ss.23.931 and 23.932 of the amended <i>Conflicts of Interest Act</i> . | <input type="checkbox"/> | <input type="checkbox"/> |
| - Codes of conduct applicable to DSOs must be consistent with the disclosure obligations in ss. 23.931 and 23.932. | <input type="checkbox"/> | <input type="checkbox"/> |

14. Subject-matter of section 23.937 – post-employment restrictions **Yes** **No**

- | | | |
|--|--------------------------|--------------------------|
| - DSOs have statutory post-employment restrictions for period of 12 months as provided in s.23.937 of the amended <i>Conflicts of Interest Act</i> . | <input type="checkbox"/> | <input type="checkbox"/> |
|--|--------------------------|--------------------------|

- Codes of conduct applicable to DSOs must be consistent with the post-employment restrictions in s.23.937.

C. ADDITIONAL CONTENT RECOMMENDATIONS

1. Process for addressing real and apparent conflicts where they arise

Yes No

- In addition to the requirement to disclose real and apparent conflicts of interest (required by s.23.922(2)(c) of Part 4.3 of the amended *Conflicts of Interest Act*), the code of conduct should set out the procedures that have been established to address real or apparent conflicts where they arise.
- See e.g. s.5.1 (Impartiality and Disclosure of Conflicts) Alberta Energy Regulator Conflict of Interest Policy: “[...] It is critical that the members and employees disclose all real or perceived conflicts of interest between their AER-related duties and their personal interests and/or relationships. Further, these parties also have a responsibility to avoid real and perceived conflicts of interest and to take all steps necessary to remove themselves from any conflict. Disclosure, while necessary and important, does not itself remove a conflict of interest. [...] This way, the designated contact can take steps to ensure that the member’s or employee’s involvement in files, hearings, or other matters that involve the entity with whom the member or employee has a relationship can be avoided altogether or minimized. Designated contacts are expected to take all steps necessary to manage and/or resolve any conflict that is brought to their attention. Designated contacts are strongly encouraged to seek guidance and direction from the Ethics Committee on the most appropriate way to manage and/or resolve any real or perceived conflict of interest disclosed to them by a member or an employee. As a general rule, members and employees must disqualify themselves from any application, proceeding, file, inspection, or other matter involving an entity in which they, their spouse, or their minor child has a financial interest or with which they have a relationship that may bring, or be perceived to bring, their impartiality into question. [...] In some situations, following disclosure by the member or employee, the member’s or employee’s designated contact may determine that the member’s or employee’s duties and responsibilities in relation to the file or matter do not conflict with his or her financial interests or relationship with a regulated entity. Alternatively, the member’s or employee’s designated contact may adopt other methods to manage the real or perceived conflict (e.g., reviewing or having other colleagues review the member’s or employee’s work and recommendations or ensuring that the member or employee is not in a position to make or influence decisions on the file or matter). Designated contacts must document their discussions with the member or employee, the decision made in relation to the real or perceived conflict, and the reasons for the course of action chosen. In summary, the requirements applicable to member and employee disclosure of real or perceived conflicts are i) disclosure to the member’s or employee’s designated contact, ii) avoidance of the conflict (or, if that is not possible, management and mitigation of the conflict), and iii) documentation of the disclosure and decision-making process in relation to the real or perceived conflict.”

2. Prohibition from allowing performance to be influenced by existing or anticipated offers of future employment or appointment

Yes No

- In addition to restrictions and/or requirements regarding *concurrent* outside employment or appointments (required by ss. 23.922(2)(e) and 23.926 of Part 4.3 of the amended *Conflicts of Interest Act*), the code of conduct also should address behaviour in relation to *anticipated* or *prospective* outside employment or appointments.
- See e.g. Part 1C s.4 Appeals Commission for Alberta Workers’ Compensation Code of Conduct: “Members or employees considering a new offer of appointment or employment must be aware of and manage any potential conflicts of interest between their current position and future circumstances, and must remove themselves from any decisions affecting their appointment or employment”.

- See e.g. subsection 10(4) of Code of Conduct and Ethics for the Public Service of Alberta:
“Employees shall not allow the performance of their official duties to be influenced by offers of future employment or the anticipation of offers of employment.”

3. Recommendations for process for receiving and investigating complaints and for responding to a finding of breach (COIA s.23.922(2)(f) requires such a process) Yes No

- The code of conduct should clearly identify who is responsible for administering the code and who may be contacted for questions or issues related to the code of conduct.
- The process should consider the privacy of the parties involved, should be seen as a fair and established process which considers all sides of a matter before making a finding and imposing any sanction, and should include the process for review of a decision.
- The code of conduct should make clear that persons subject who do not comply with code may be subject to penalties and consequences, including disciplinary action consistent with the severity of the infraction, including dismissal.
- Consider indicating that all copies of written complaints, findings, warnings, reprimands or notices of disciplinary action regarding a breach of the code of conduct will be added to the individual's file and providing standards and procedures with respect to the same.
- Consider how to deal with anonymous complaints.
- Consider linking the requirements of the code of conduct to rewards (so individuals who voluntarily report their own possible errors rather than attempting to cover them up are recognized for making the appropriate decision), as well as to sanctions.

4. Restrictions and process for resolving conflicts specifically re: investments and management of private assets for public agency's board members and executive Yes No

- DSOs also have statutory restrictions on holdings in s.23.93 of the amended *Conflicts of Interest Act*.
- See e.g. s.13 of the Code of Conduct and Ethics for the Public Service of Alberta:

“(1) Where an actual or proposed business or financial interest of an employee, or of the employee's spouse or minor children is affected, appears to be affected or may be affected by actions taken or decisions made in which the employee participates in the course of their employment, the employee shall disclose the business or financial interest to the Deputy Head or designate.

(2) If an actual or apparent conflict of interest situation exists under this section, the Deputy Head or designate shall determine the method of resolution of the situation. Options for resolution include requiring the use of a blind trust, divestment of the asset, or employment action ranging from transferring the employee to termination of employment.

(3) The Deputy Head or designate may require financial disclosure of employees in specific positions where, in the opinion of the Deputy Head or designate, conflict could likely occur.

(4) Information which is disclosed to the Deputy Head or designate under this section shall be maintained on a confidential basis by the Deputy Head or designate.”
- See e.g. Alberta Gaming and Liquor Commission Code of Conduct “Private Assets” and “Financial Assets and Services” sections:

“The *Gaming and Liquor Act* [GLA 53(1)] states that: No liquor licence may be issued (a) to or for the benefit of a person who is a member of the board or an employee or agent of the Commission, or (b) in respect of any premises if a member of the board or an

employee or agent of the Commission is an owner or part owner of the premises or holds an interest in the premises. No Board member shall have a financial interest in or be directly engaged in any business or undertaking dealing with gaming regulated by the Alberta Gaming and Liquor Commission. Where an actual or proposed business or financial interest of a Board member, or of the Board member's adult interdependent partner or minor children is affected, appears to be affected or may be affected by actions taken or decisions made in which the Board member participates in the course of their appointment, the Board member shall disclose the business or financial interest to the Chair.

Board members involved in the decision-making process affecting Alberta Gaming and Liquor Commission assets and services must not acquire assets from, sell assets to, nor provide services to the Alberta Gaming and Liquor Commission.”

- See e.g. s.8 Alberta Utilities Commission Conflict of Interest Policy:

“8.1 Prohibitions respecting assets/interests

81.1 Companies and businesses listed on Appendix B - AUC members and staff, their spouses, and their minor children must not have any direct or indirect monetary or financial interest in any of the companies listed in Appendix B or added to Appendix B from time to time.

These prohibitions apply to AUC members and staff, their spouses, and/or their minor child's investments, including directly owned stocks and securities. An exception may apply if a spouse holds financial assets or interests as part of his or her employment compensation package. However, details of the compensation package must be disclosed to the committee by completing Section 3: Disclosure of Prohibited Financial Interests of the Employee Certification and Financial Disclosure Summary Form (see Appendix A). 6

AUC members and staff must ensure that they, their spouse, and their minor children have divested directly owned prohibited stocks, securities and other financial interests set out in Appendix B; at a time directed by the committee, and in any event no later than two years from the date of the committee's decision that holding the financial interest is in breach of the conflict policy.

During the divestiture period, you must not deal with any matters that pertain to businesses in which you may have a prohibited direct or indirect financial interest.

If you terminate employment and then return to the AUC to resume employment within one year of when you left, you will be normally required to divest any non-exempt assets within 60 days from the date that you resume employment.

You are required to complete the certification and financial disclosure summary annually to declare your assets and interests.

Ownership of assets or interests prohibited by the conflict policy must be disclosed in Section 3: Disclosure of Prohibited Financial Interests, on the Employee Certification and Financial Disclosure Summary Form (see Appendix A). The committee will then determine whether a conflict exists and what action, if any, should be taken.

AUC members and staff must come into compliance with the conflict policy by divesting prohibited assets within the time period established by the committee or action (ranging from removal or transfer of job duty to termination of employment contract, if necessary) may be required. The disclosure form and decision will be retained with the AUC member or staff employee file. In very limited circumstances the use of a blind trust may be considered in order to transition into compliance with the conflict policy. The financial cost of the creation and maintenance of the blind trust will be incurred personally by AUC members and staff.

If AUC members or staff are uncertain as to whether their existing financial interests or future acquisitions constitute a conflict of interest, they must ask the committee for clarification. The list of companies and businesses in Appendix B will assist AUC members

and staff in deciding whether they may invest in any particular company. However, the list is not exhaustive as listed companies may have affiliate or subsidiary companies in which AUC members and staff may be prohibited from investing or holding any financial interests.

8.1.2 Companies and businesses not listed in Appendix B - In addition to these prohibitions, if AUC members or staff have real or perceived conflicts of interest between their duties at the AUC and their personal interests and/or relationships, they have a responsibility to avoid conflict and/or remove themselves from the conflict. For example, AUC members and staff are permitted to invest in a company that is not listed in Appendix B. However, if that company is subject to some form of regulatory oversight by the Commission (perhaps, as an example, it is a market participant in the power pool which is objecting to a proposed Alberta Electric System Operator rule before the Commission), AUC members and staff must declare their financial interest to the ethics committee or if staff to their manager or director if they have been assigned to that proceeding. The Committee must then be advised and it will determine what action to take. In most cases, AUC members and staff will be reassigned from the proceeding so that they have no further involvement with the application and they will be allowed to keep their investment. If they cannot be reassigned, they may have to divest the investment.

If you have any questions about investments or financial interests in this section of the conflict policy, you should contact [...] of the Ethics Committee at [...].

8.2 Exempt assets/interests - The following types of assets/interests are not subject to disclosure:

- Assets and interests in partnerships, proprietorships, joint ventures, private companies, family businesses, and directly owned shares in public companies that do not fall within the regulatory oversight of the AUC, do business with the AUC or with companies that are not on Appendix B List of Companies and Businesses except as provided in section 8.1;
- Real property i.e. residences, recreational property, or farms, that are not encumbered with utility rights of way or leases from which revenue or other financial benefits are received or property that is not being sold to utility companies;
- Assets and interests intended for private use that are not of a commercial character, such as - household goods and personal effects, - works of art, antiques, and collectibles, - automobiles and other personal means of transportation, - cash and deposits, - Canada Savings Bonds (and other security investments of fixed value issued/guaranteed by any level of government in Canada or government agencies), - registered retirement savings plans, mutual funds, pension plans, registered savings plans under federal or provincial government programs (e.g., home, education) that may have utility related investments, provided the individual has no control over decisions of the plan, fund, or other vehicle to buy, sell, or hold those underlying securities, - guaranteed investment certificates and similar financial instruments, and - annuities and life insurance policies issued by financial institutions;
- Assets and interests that are not directly or indirectly related to the work of the AUC.

8.3 Specific requirements for Commission members - Commission members must meet the requirements of the Alberta Ethics Commissioner and the applicable legislation. This includes an annual re-certification to the Alberta Ethics Commissioner that discloses all financial assets and interests of Commission members, their spouses, and/or their minor children.”

5. Restrictions re: political activity

- See e.g. Credit Union Deposit Board of Directors Guarantee Code of Conduct and Ethics “Political Activity” section: “Directors may participate in political activities including holding membership in a political party, supporting a candidate for elected office or seeking elected office. However, they must not use their position with the Corporation to seek contributions for a political party or activity from current or future clients or entities doing business with the Corporation. In addition, any political activity must be clearly separated

Yes

No

from activities related to the business of the Corporation, must not be done while carrying out the business of the Corporation and must not make use of Corporation facilities, equipment or resources in support of these activities. If a Director is planning to seek an elected federal, provincial, or municipal office, they must disclose their intention in writing as soon as possible to the Code Administrator for guidance relating to their duties with the Corporation.”

- See e.g. s.12 of the Code of Conduct for Employees Serving in the Offices of the Premier and Cabinet Ministers:“(a) Members of the Premier’s and Ministers’ staff may not use, or authorize the use of, public funds to engage in or support in any way political party activities. (b) Members of the Premier’s and Ministers’ staff may participate in election campaigns and political party leadership campaigns, if their involvement does not interfere with, diminish, or involve in any way, their employment responsibilities. (c) Members of the Premier’s and Ministers’ staff who are elected to federal or provincial office must resign from their employment effective the day they are elected.”
- See e.g. s.14 Alberta Energy Regulator Conflict of Interest Policy: “Members and employees are not restricted from participation in political activity, except that
 - they must not participate directly in soliciting contributions;
 - the section called “Outside Employment and Volunteer Activities” applies;
 - members may not seek nomination as a candidate in a federal, provincial, or municipal council (does not include school board members) election or hold office in a political party or constituency association;
 - employees who run as candidates in a federal, provincial, or municipal council (does not include school board members) election must take a leave of absence without pay commencing on the day after the writ for the election is issued or on the day that their candidacy is publicly announced, whichever is later—the restriction of soliciting contributions does not apply to such employees once the leave of absence starts;
 - employees who are elected to federal, provincial, or municipal council (does not include school board members) office must resign their employment effective the day of the federal or provincial election; and
 - employees who seek election and are not elected are entitled to return to the same or similar employment effective the day after the election.”

6. Restrictions and/or requirements re: employment of or dealings with spouses, family members, direct associates

Yes No

- See e.g. s.6 Alberta Energy Regulator Conflict of Interest Policy: “Hearing commissioners and employees often exercise regulatory, inspection, enforcement, or other decision-making authority over others. When this occurs, they must disqualify themselves from activities with others if the relationship between them may bring their impartiality into question. In situations in which this would impair service delivery, hearing commissioners and employees must advise their designated contact of the details before exercising their authority, and must act in accordance with any instructions received. In emergency situations, hearing commissioners and employees must act impartially and notify their designated contact immediately after exercising their authority.

In limited circumstances, the AER may permit relatives of an employee or member to work in the same group or branch provided that the designated contact ensures that all steps are taken as necessary to ensure that there is no opportunity to exercise favoritism and no conflict of interest exists for the employees and members involved. An employee may not supervise a relative.

In the staff hiring and selection process, AER staff making the hiring decision must disqualify themselves where applicants include relatives or close personal friends if the continued participation of such staff could raise, or could reasonably be seen to raise, a question as to their impartiality. This also applies to recruiting casual, hourly staff or

employees hired through special employment programs, such as the summer student program.

Members and employees must disclose to their designated contact and/or the Ethics Committee all situations that may be or may appear to be conflicts of interest under this section, as far as these are known to them.”

7. Restrictions and/or requirements re: media relations and public statements

Yes No

- See e.g. Appeals Commission for Alberta Workers Compensation Code of Conduct Part 1C(e): “Members and employees [...] must [...] Not comment publicly to the media about the Commission or its work without first consulting with the Code Administrator. Members and Employees must not comment at all in the media about the Commission or its work. Members and employees must promptly notify the Code Administrator of any media [requests] for comment and the Code Administrator will deal with them.”
- See e.g. s.11 the Code of Conduct for Employees Serving in the Offices of the Premier and Cabinet Ministers: “Members of the Premier’s and Ministers’ staff shall not make statements on public issues in any way that may be perceived to represent an official act, opinion or policy of the government, except as specifically authorized by the respective Minister or the Minister’s Chief of Staff.”
- Consider expressly addressing social media as well.

8. Requirement of confidentiality

Yes No

- See e.g. Alberta Gaming and Liquor Code of Conduct “Board members are required to maintain confidentiality with regard to [AGLC] information (including verbal information), documents and reports unless authorized for distribution by the Chair.”
- See e.g. s.10 Code of Conduct for Employees Serving in the Offices of the Premier and Cabinet Ministers: “(a) Members of the Premier’s and Ministers’ staff shall handle confidential information with the utmost care and integrity and shall not disclose, release or transmit confidential information except as specifically authorized. (b) The responsibility for maintaining the confidentiality of information includes the responsibility of ensuring that the information is not directly or indirectly made available to unauthorized persons. (c) Members of the Premier’s and Ministers’ staff must adhere to the requirements of the *Freedom of Information and Protection of Privacy Act*.”
- See e.g. Credit Union Deposit Guarantee Corporation Board of Directors Code of Conduct and Ethics, Behavioural Standard: “Directors must respect and protect confidential information, use it only for the work of the Corporation and not use it for personal gain or benefit for themselves or an associate. Directors must comply with the Corporation’s Confidentiality and Privacy Policy and Program and Information Management Policy and Program that guide the collection, storage, use, transmission and disclosure of information.”

9. Requirement for disclosure of criminal charges

Yes No

- See e.g. s.21 of the Code of Conduct for Employees Serving in the Offices of the Premier and Cabinet Ministers: “(a) If a member of the Premier’s and Ministers’ staff is charged with an offence under the Criminal Code of Canada or Controlled Drugs and Substances Act (Canada) arising from the member’s conduct while on or off duty, the member shall immediately report the charge to the member’s Chief of Staff. (b) If a member of the Premier’s and Ministers’ staff is charged with any other offence under a statute of Canada or a statute of the Province of Alberta, arising from the member’s conduct while on or off duty, the member shall immediately report the charge to the member’s Chief of Staff, if the existence of the charge or a conviction for the offence may adversely affect the Minister’s or the government’s reputation, the conduct of government programs or the member’s ability to perform his or her job.”
- See e.g. AGLC Code of Conduct “Disclosure of Criminal Charges”: “If a Board member is charged with an offence under the Criminal Code of Canada or the Controlled Drug and

Substances Act or any other federal statute, the Board member shall immediately report such charge to the Chair. In the event that a Board member makes a report pursuant to 7 above, the Chair shall forthwith determine if the Board member has: (a) created a real or perceived conflict of interest that impacts the [AGLC]'s interests, and/or (b) seriously compromised the Board member's ability to continue to perform his or her role as a member of the Board of the [AGLC]."

10. Requirement to comply with applicable laws

Yes No

- See e.g. Credit Union Deposit Guarantee Corporation Board of Directors Code of Conduct and Ethics, Behavioural Standard: "Directors shall act at all times in full compliance with both the letter and the spirit of all applicable laws. Directors should not only comply fully with the law, but should also avoid any situation which could be perceived as improper or indicate a casual attitude towards compliance. Directors are expected to be sufficiently familiar with any legislation that applies to their work to recognize potential liabilities and to know when to seek legal advice."
- See e.g. Appeals Commission for Alberta Workers' Compensation Code of Conduct Part 1C(a): "Members and employees [...] must [...] Not engage in any criminal activity and must comply with all relevant laws, regulations, policies and procedures."

11. Restrictions and/or requirements re: use of public agency's assets (including trade knowledge, intellectual property, and other proprietary information), equipment, supplies, and premises

Yes No

- See e.g. s.17 Code of Conduct and Ethics for the Public Service of Alberta: "(1) Any product or technology developed by employees in the course of their employment with the Government of Alberta is the property of the Government of Alberta. (2) An employee shall not sell, trade, market or distribute any such product or technology unless otherwise authorized by the Deputy Head or designate."
- See e.g. s. 9 Alberta Energy Regulator Conflict of Interest Policy: "AER members and employees are permitted limited use of AER premises and equipment for non-AER related purposes providing such use involves minimal additional expense to the AER, is performed on the member's or employee's non-work time, does not interfere with the mission of the AER, does not support a personal business interests and complies with the Conflict Policy."
- See e.g. s. 16 Alberta Energy Regulator Conflict of Interest Policy: "Any product or technology developed by members and employees in performing their job responsibilities with the AER is the property of the AER. • A member or an employee may not sell, trade, market, or distribute any such product or technology unless otherwise authorized by the Ethics Committee. • Members and employees must respect the proprietary knowledge and intellectual property rights of customers, suppliers, and others. • Members and employees must respect copyright and licence agreements."
- See e.g. s. 18 Alberta Energy Regulator Conflict of Interest Policy: "At no time shall a former member or employee use or give to others confidential information obtained while employed at or engaged by the AER. The AER retains for itself all proprietary rights in and to all new intellectual property arising out of the services the member or employee provided while employed at or engaged by the AER."

12. Restrictions and/or requirements to prevent workplace harassment

Yes No

- See e.g. s. 7 Alberta Energy Regulator Conflict of Interest Policy: "The AER is committed to providing a work environment where all individuals are treated with dignity and respect. The AER will not tolerate any discriminatory, harassing, bullying, threatening, abusive, or violent behaviour by or against any employee or prospective employee, member or prospective member, member of the public, or any other individual affiliated with the AER. Behaviour and/or situations that are contrary to a respectful workplace will be dealt with accordingly. Members and employees must not discriminate against another member, employee or prospective employee, or a member of the public because of that person's

race, colour, place of origin, ancestry, gender, age, marital status, religious beliefs (including native spirituality), mental and physical ability, source of income, family status, sexual orientation, or any other category covered under the Alberta Human Rights, Citizenship and Multiculturalism Act.”

- See e.g. Appeals Commission for Alberta Workers Compensation Code of Conduct Part 1C(c): “Members and employees [...] must [...] Contribute to a safe, healthy and productive workplace that is free from passive resistance, obstruction of commission policies, rules, guidelines and other standards, protocols and procedures, discrimination, harassment or violence. This applies to behaviours in and out of the office, including online behaviours.”

13. Post-employment/appointment restrictions (12 months) for public agency’s board members and executive Yes No

- Codes of conduct generally should have 12-month post-employment/appointment restrictions in respect of public agency board members and executives.
- DSOs also have post-employment restrictions for period of 12 months in s.23.937 of the amended *Conflicts of Interest Act*.
- See e.g. Alberta Gaming and Liquor Commission Code of Conduct “Post-appointment Activities” section: There must be no conflict between a Board member’s responsibility to the Alberta Gaming and Liquor Commission and a member’s post-appointment activities. “[...] Former Board members of the Alberta Gaming and Liquor Commission shall not, within a period of [twelve (12)] months after leaving office:
 - a. act for or on behalf of any person, commercial entity, association or union in connection with any specific ongoing proceeding, transaction, negotiation or case to which the Alberta Gaming and Liquor Commission is a party and where the former Board member acted for or advised the Commission;
 - b. give advice to a client by using information that is not available to the Alberta public concerning the programs or policies of the Alberta Gaming and Liquor Commission;
 - c. accept service contracts, appointments to a board of directors of, or employment with, an entity with which they had direct and significant official dealings during the period of [twelve (12)] months immediately prior to the termination of their service to the Alberta Gaming and Liquor Commission; nor
 - d. make representations, whether for remuneration or not, for or on behalf of any other person or entity to any department, organization, board, commission or tribunal with which they had direct and significant dealing during the period of [twelve (12)] months immediately prior to the termination of their services to the Alberta Gaming and Liquor Commission.
- See e.g. Part 1C s.5 Appeals Commission for Alberta Workers’ Compensation Code of Conduct: “Once a member or employee has left the Commission, the member or employee must not disclose confidential information, including information pertaining to Commission processes, of which he or she became aware while a member or employee, and he or she must not use contacts with former colleagues to gain an unfair advantage for his or her current circumstance. To avoid conflict, former members and employees of the Commission may not appear as representatives before the Commission, or provide advice to others appearing before the Commission for twelve (12) months after the termination of their appointment or employment.”

14. Provision of annual disclosure by public agency’s board members and executive Yes No

- DSOs also have statutory disclosure obligations in respect of themselves and persons directly associated in ss.23.931 and 23.932 of the amended *Conflicts of Interest Act*.

- See e.g. Alberta Liquor and Gaming Commission Code of Conduct “Financial Disclosure” section: “Board members who could be placed in a conflict of interest situation due to the nature of their duties and responsibilities will be required to disclose their outside business interests and financial holdings, on an annual basis, in writing on a form approved by the Chair. If a conflict of interest situation exists, the business or financial interests shall be placed in a blind trust or otherwise disposed of with notice to the Chair.”

15. Compliance with the code of conduct is monitored: requirement for those subject to annually affirm and re-affirm in writing their understanding of, commitment to, and compliance with the code of conduct **Yes** **No**

- Public agencies should require those subject to the code to annually complete sign-off forms:
 - (1) Which require them to confirm in writing that that they: (i) have received a copy of the code; (ii) have reviewed and understand its contents; (iii) commit to applying and complying with it; (iv) currently are in compliance with its requirements and (v) have followed its requirements throughout the previous time period (if applicable); and
 - (2) Which require them to disclose incidences of known or suspected non-compliance.
- See e.g. Credit Union Deposit Guarantee Corporation Board of Directors Code of Conduct, Guiding Principle: “Each director confirms, on an annual basis, their understanding of, and commitment to, the expectations of the Code. This includes a signed acknowledgement to abide by the Code.”
- See e.g. Credit Union Deposit Guarantee Corporation Board of Directors Code of Conduct “Monitoring and Reporting” section: “In accordance with the Board of Directors - Orientation and Professional Development Policy, new Directors receive an orientation session that includes a detailed review and acknowledgement of the Board of Directors – Code of Conduct and Ethics Policy. To ensure that Directors have a thorough understanding of the spirit and intent of the Corporation’s policies and programs relating to conduct, Directors will annually be required to complete the following forms: Board of Directors – Declaration; Board of Directors - Disclosure Statement; Freedom of Information and Protection of Privacy ACT (FOIP). Corporation reporting requirements will be completed to ensure that Designated Office Holder obligations are met within the time periods determined by the Ethics Commissioner under the Alberta Accountability Act and the Public Service Act.”

16. Requirement to devote sufficient time and attention to official duties for informed and balanced decision-making **Yes** **No**

- See e.g. Part 2(A) Appeals Commission for Alberta Workers Compensation Performance Expectations Relating to Commission Decisions: “Decisions are to be written in accordance with the guidelines, policies, and protocols development by the Commission. Decisions must accord with legislation, policy and natural justice and they must align with the Commission’s performance measures and quality assurance standards. Members acknowledge the importance of seeking consistency in decision-making so that appeals with similar facts will result in decisions with similar outcomes.”
- See e.g. Part 2(B) Appeals Commission for Alberta Workers Compensation Performance Expectations for Working Relationships: “(a) Appropriate time management, hearing management and writing skills, including the ability to consistently meet both the Commission’s performance metrics for decision completion and expectations for work volume; (b) A sound understanding of all applicable legislation, relevant case law (including administrative law principles), the Commission’s Appeal Rules, and the application of each of these to the issues and facts of each appeal and decision[...] (d) Contribution to the Commission by effective participation of a committee determined by the Chief Appeals Commissioner, active interest and participation in discussions impacting the Commission’s operations and procedures[...].”

17. Requirement to report concerns about actual or suspected violation of the code of conduct **Yes** **No**

- See e.g. s.5.4 Alberta Utilities Commission Conflict of Interest Policy: “AUC members and staff have a responsibility to report situations of real or perceived conflicts of interest of other Commission members or employees. These situations must be reported to the chair of the committee so that appropriate steps are taken to address the matter. No action shall be taken against an individual for reporting such a situation unless the report is made maliciously or without reasonable grounds. Whenever possible, the name of the person reporting such information will be kept confidential and no documentation regarding the reporting will be placed on the person’s human resources file.”

18. Requirement for established process and timeline for periodic review and revision of the code of conduct **Yes** **No**

- See e.g. Credit Union Deposit Guarantee Corporation Board of Directors Code of Conduct “Review” section: “[...] The Code of Conduct and Ethics for Directors for the Corporation [...] is reaffirmed annually by the Board to ensure that it remains current and relevant.”
- See e.g. Appeals Commission for Alberta Workers’ Compensation Code of Conduct and Performance Expectations cover page: “Both parts are reviewed at least every 36 months by the Chief Appeals Commissioner with a view to ensuring ongoing effectiveness.”

Last updated: February 2, 2018