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CODE OF CONDUCT

AUTHORITY

Board of Directors

REFERENCES

Public Agencies Governance Act (Alberta)
Public Interest Disclosure (Whistleblower Protection) Act (Alberta)
Freedom of Information and Protection of Privacy Act (Alberta)
Financial Administration Act (Alberta)
New West Trade Partnership Agreement
Corporate Communications Policy
Compliance & Exception Reporting
Safe Harbour Policy
Workplace Respect Policy
Health, Safety, & Wellness Policy
Declaration of a Conflict of Interest Form
Recognition and Affirmation of Compliance Form

DEFINITIONS

For the purposes of this Code, unless the context otherwise requires:

- (a) **“Adherents”** means all those required to adhere to the provisions of this Code including Team Members and the Board of Directors.
- (b) **“Board of Directors”** or **“Board”** means the Board of Directors of Travel Alberta.
- (c) **“CEO”** refers to the Chief Executive Officer of Travel Alberta appointed pursuant to the Travel Alberta Act.
- (d) **“Code Administrator”** is the officially appointed person who receives disclosures about those who have or may have been in non-compliance with the Code. In the case of Board Members or the CEO it is the Board Chair. In the case of Team Members it is the CEO. In the case of the Board Chair, it is the Minister of Tourism, Parks and Recreation, as appointed from time to time.
- (e) **“Code”** means this Code of Conduct, as amended from time to time.

- (f) “**Conflict of Interest**” is a set of circumstances in which an Adherent’s decisions are, or would reasonably be considered to be, influenced by their personal interests, including but not limited to those of a Relative, and as more fully set out in this Code.
- (g) “**Corporation**” refers to Travel Alberta, as established pursuant to the Travel Alberta Act.
- (h) “**Declaration of Conflicts of Interest Form**” refers to the form to be completed, as required, by Team Members and the Board to report conflicts or potential conflicts of interest under the Code;
- (i) “**Investigator(s)**” refers to those persons conducting an investigation pursuant to this Code;
- (j) “**Minor Child**” refers to any individual under the age of majority in Alberta.
- (k) “**Recognition and Affirmation of Compliance Form**” refers to the form to be completed annually by Team Members and the Board confirming their compliance with the Code;
- (l) “**Relative**” includes Spouse, Adult Interdependent Partners, children, step-children, legal dependents, parents, siblings, in-laws, grandparents, grandchildren, nieces, nephews, aunts, uncles and first cousins.
- (m) “**Spouse or Adult Interdependent Partner**” includes a party to a relationship between two persons who are living together on a *bona fide* domestic basis but does not include a spouse who is living apart from the Team Member if the Team Member and spouse have separated pursuant to a written separation agreement or if their support obligations and family property have been dealt with by a court order.
- (n) “**Team Members**” includes individuals employed or retained by Travel Alberta, including wage staff and persons employed on a contractual basis.

SCOPE

This Code applies to all Team Members and the Board of Directors.

PURPOSE

1. All stakeholders of the Corporation expect the organization to conduct itself with impartiality and integrity. It is this special obligation that demands that there not be, nor any perception of, any conflict between the private interests of Adherents and their respective duties to the Corporation.
2. The Code reflects a commitment to Travel Alberta’s Team Principles and Corporate Values.
 - (a) Team Principles: Trust, Respect, Collaboration, Integrity
 - (b) Corporate Values:
 - (i) Excellence drives everything we do

- (ii) We embrace teamwork
 - (iii) We foster innovation
 - (iv) We plan for and are accountable for results
3. The Code provides a framework to guide ethical conduct in a way that enhances the integrity and reputation of the Corporation. Adherents are expected to behave in a way that aligns with this Code. They understand that this Code does not cover every specific scenario. Therefore, they will use the spirit and intent behind this Code to guide their conduct and exercise care and diligence in the course of their work with Travel Alberta.
 4. The Code shall be available to the public on the Travel Alberta website to demonstrate the Corporation's commitment to transparency and accountability.

POLICY DETAIL – GENERAL

5. This Code is in addition to any statute or common law and to any instructions issued by the Corporation, the Board, the Board Chair or the CEO. Further, employees of the Corporation who are governed by the Public Service Act (Alberta) are also subject to the Code of Conduct & Ethics for the Public Service of Alberta (attached hereto to this Code). In the event there is a conflict between this Code and the Code of Conduct & Ethics for the Public Service of Alberta, the latter applies.
6. Where criminal activity is suspected by the Code Administrator, Investigator, or an Adherent the matter must be reported to the appropriate legal authority.
7. Conflicts between the private interests of Adherents and their duty to the public not specifically addressed in this Code are to be dealt with according to the principles and the intent of the Code.
8. Board of Director's Responsibility.

The Chair of the Board of Directors will administer this Code with respect to the Board members and the CEO. The Chair will ensure that all Board members are aware of their obligations under the Code and will implement a process to ensure this annually. The Ethics Commissioner of the Province of Alberta can provide guidance and advice to the Chair about whether a proposed activity by the Chair would be a breach of this Code.
9. CEO's Responsibility.

The CEO will administer this Code for the Team Members, and will issue instructions as necessary for implementation of the Code. The CEO will ensure that Team Members are aware of their obligations under the Code and will implement a process to ensure this annually. The Chair of the Board, Chair of the Audit Committee and/or Chair of the Governance and Compensation Committee can provide guidance and advice to the CEO about whether a proposed activity by the CEO would be a breach of this Code.
10. Code Administrator's Responsibility.

- (a) The Code Administrator:
 - (i) receives and reviews the Recognition and Affirmation of Compliance Form and the Declaration of Conflicts of Interest Form;
 - (ii) ensures the confidentiality of all disclosures and ensures that any real or apparent conflict of interest is avoided or effectively managed;
 - (iii) is responsible for providing advice and managing concerns and complaints concerning non-compliance with the Code, including Conflicts of Interest within Travel Alberta;
 - (iv) is responsible for ensuring procedural fairness even in situations where Travel Alberta may have a delegated process for responding to and managing concerns;
 - (v) may issue supplementary instructions, which modify but do not detract from matters dealt with in this Code, if the supplemental instructions are not more permissive than this Code or applicable legislation; and
 - (vi) answers any Adherent questions with respect to the interpretation or application of this Code.
- (b) Should the Code Administrator require assistance interpreting and applying the Code, this assistance should be sought from the Chair of the Governance and Compensation Committee of the Board.

11. Adherent Responsibilities.

- (a) Adherents must act with impartiality and integrity, in compliance with all applicable laws and regulations and must demonstrate respect and accountability in accordance with all policies of the Corporation.
- (b) Adherents must not consume alcohol in a way that affects their performance and/or safety or the performance and/or safety of their colleagues, or that negatively impacts the reputation or operations of the Corporation. This applies to the workplace at any time and/or any work-related functions or events.
- (c) Adherents are prohibited from using prohibited drugs (including but not limited to medications not prescribed for the Adherent) or drug paraphernalia at the workplace or in the course of their employment or service to the Corporation.
- (d) Adherents must exercise reasonable judgment in assessing whether a perceived or actual Conflict of Interest exists either of themselves or any other and take appropriate steps to formally notify the Code Administrator in a timely manner. A failure to disclose a Conflict of Interest by Adherents, or to take appropriate actions when knowingly engaged in or aware of a Conflict of Interest, may result in disciplinary action up to and including termination of employment.

- (e) The Code requires self-reporting in circumstances where Adherents believe they have a conflict. All Adherents, and particularly those who are responsible for the oversight or approval of contracts and expenditures, are obligated to report any known or apparent conflicts of others.
- (f) Adherents are under an obligation to cooperate with an Investigator and/or Code Administrator during an investigation. Failure to do so could be raised as a breach of the Team Member/employee or Board Member/Corporation relationship.
- (g) Any Adherent with questions regarding the interpretation or application of this Code should contact the Code Administrator.

APPLICATION OF THE CODE OF CONDUCT

The following matters are specifically addressed by the Code. Other items that are in the public interest that are not specifically addressed in this Code will be dealt with according to the principles and the intent of the Code.

1. Furthering private interests.

Adherents are in violation of this Code if they:

- (a) take part in a decision in the course of carrying out their duties, knowing that the decision might be acting in their self-interest or furthering a private interest for themselves or their Relative by virtue of their position or through the carrying out of their duties; or
- (b) use their role to influence or seek to influence a corporate decision which could further a private interest for themselves or their Relative; or
- (c) use or communicate information not available to the general public that was gained in the course of carrying out their duties, to further or seek to further a private interest for themselves, or their Relative.

Private interests of a Team Member do not include an interest (i) in a matter that is of a general application; (ii) that affects a person as one of a broad class of the public or (iii) that would reasonably be considered trivial.

2. Contracting of Goods and Services.

Where Adherents are assigned responsibilities for contract development and management, including contract administration, selection of successful vendors, performance evaluation and/or authorization of new or renewed contracts, they are expected to fully perform their duties with impartiality, competence and procedural fairness. Adherents are in violation of this Code if they have:

- (a) a financial or business interest in an agency/vendor;
- (b) a Relative who has a personal relationship or financial or business interest in an agency/vendor;

- (c) an outside interest that impedes their ability to act impartially and objectively in respect of any agency/vendor; or
- (d) received a gift or personal benefit from an agency/vendor, which could reasonably impede the Adherent's ability to act impartially and objectively in respect of that agency/vendor.

Exemptions to the above may only occur in accordance with this Code of Conduct, Page 8 - "Procedures", Paragraph 4, "Exemptions".

3. Dealings with Others.

- (a) Adherents who exercise regulatory, inspection or other discretionary authority over others shall disqualify themselves from dealing with anyone with whom the relationship between them may reasonably bring the Adherent's impartiality into question, with respect to those functions.
- (b) Relatives of Adherents may work for Travel Alberta provided there is no opportunity to exercise favoritism and no Conflict of Interest exists for the Adherent involved. An Adherent may not supervise a Relative or person with whom they have a personal relationship.
- (c) Adherents involved in the recruitment process shall disqualify themselves from competitions where applicants include Relatives or other individuals where the continued participation of the Adherent could raise a question as to their impartiality.
- (d) Adherents shall disclose and discuss with their Code Administrator situations, which may be or may appear to be Conflicts of Interest under this section.

4. Outside Employment.

- (a) Team Members may take supplementary employment including self-employment unless it (i) causes a perceived or actual conflict of interest; (ii) utilizes insider knowledge or inside intellectual capital; (iii) is performed in such a way as to appear to be an official act of the Corporation, or to represent the Corporation's opinion or policy; (iv) interferes through telephone calls, email, or otherwise, with regular duties; or (v) involves the use of the Corporation's premises, equipment, supplies, or proprietary knowledge.
- (b) Prior to accepting any supplementary employment where it appears or where they believe that a Conflict of Interest might arise, Adherents are required to notify their Code Administrator in writing about the nature of such supplementary employment.
- (c) Remuneration paid to Adherents must be employment income subject to appropriate employee tax deductions; if an Adherent is employed by the Corporation and also retained on a contractual basis for services beyond the scope of their primary employment responsibility, the contractual arrangements will be made with the Adherent and not a company controlled by the Adherent to ensure that all necessary tax withholdings are made.

- (d) Adherents shall not allow the performance of their official duties to be influenced by offers of future employment or the anticipation of offers of employment.

5. Teaching.

Team Members may, with the consent of the CEO or designate, teach courses at institutions for a fee during normal working hours provided that:

- (a) acceptable arrangements can be made for the Team Member to perform all regular duties;
- (b) course preparation and marking is done on the Team Member's own time; and
- (c) no other conflict arises.

Where the teaching duties infringe upon normal duties, the CEO or designate shall determine if the Team Member must take a Leave of Absence with or without pay for teaching or may deny the request.

6. Volunteer Activities.

Adherents are encouraged to participate in volunteer activities. The restrictions as listed in Outside Employment also apply to volunteer activities. Adherents who are actively associated on a volunteer basis with any organization shall disclose to their Code Administrator their interest in such an organization where a Conflict of Interest may arise. Such Adherents shall disqualify themselves from participating in any decision for the Corporation, which could reasonably impact the organization.

7. Board Appointments.

Adherents are encouraged to participate on boards; however, such participation must not be, or appear to be, directly associated with the activities of the Corporation or be in a position of a Conflict of Interest. Adherents are required to disclose all boards or equivalent governing bodies that they participate on.

8. Investment and Management of Private Assets.

- (a) Adherents must disclose to their Code Administrator all business or financial interests that directly relate to the Corporation.
- (b) If an actual or apparent Conflict of Interest situation exists under this section, the Code Administrator 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 up to and including termination of employment.
- (c) The Code Administrator may require financial disclosure of an Adherent in specific positions where, in the opinion of the Code Administrator, a Conflict of Interest could likely occur.

(d) Information which is disclosed to the Code Administrator under this section shall be maintained on a confidential basis.

9. Any technology or product, including electronic or digital property, developed by Adherents in the course of their involvement with the Corporation is the property of the Corporation. Adherents shall not sell, trade, market, distribute, or disclose any such product or technology unless otherwise authorized by the CEO or Board Chair.

10. Political Activity.

There is no restriction upon Adherent participation in political activity except that:

(a) Adherents must not solicit or in any way accept contributions from the Corporation to any political party and must comply with all applicable electoral finance laws.

(b) Adherents may become candidates in an election and must notify the Code Administrator in such case.

(c) Adherents who run as candidates 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.

(d) Adherents who seek election and are not elected are entitled to return to the same or similar position, effective the day after the election.

(e) Adherents who are elected to office shall resign their position effective the day of the election.

11. Acceptance of Gifts.

Adherents shall not accept fees, gifts or other benefits with a value greater than \$200 that are connected directly or indirectly with the performance of their duties, from any individual, organization or corporation, other than:

(a) gifts made available to all at an event (e.g. door prize, attendee gift bags, etc.);

(b) the normal exchange of gifts between friends;

(c) the normal exchange of reasonable hospitality between persons doing business together;

(d) tokens exchanged as part of protocol; and

(e) the normal presentation of gifts to persons participating in public functions.

12. Public Statements.

(a) Adherents who speak or write publicly shall ensure that they comply with Travel Alberta's Corporate Communication Policy and must not release information in contravention of this Code.

- (b) The responsibility for maintaining the confidentiality of information or documents includes the responsibility for ensuring that such information or documents are not directly or indirectly made available to unauthorized persons.

13. Misappropriation of Assets.

Misappropriation of assets is the intentional, illegal use of property, intellectual assets or money of the Corporation for one's own use or some other unauthorized purpose. Asset misappropriation schemes include those frauds in which Adherents employ trickery or deceit to steal or misuse the Corporation's resources. In these cases, specific assets of the Corporation are taken to directly benefit the Adherent committing the fraud. Examples include cash theft, fraudulent disbursements and non-cash theft and misuse. Non-cash misappropriations involve those schemes where Adherents steal or misuse the non-cash assets of the Corporation, such as digital assets, equipment or supplies, for their own personal benefit. Misappropriating assets will result in disciplinary action up to an including termination of employment.

14. Procedures Specific to Contracting of Goods and Services.

- (a) Request for Proposals will be undertaken prior to making contractual arrangements in accordance with applicable Government of Alberta regulations and policies, including the New West Trade Partnership Agreement and the Financial Administration Act.
- (b) Adherents who exercise regulatory, inspection or other discretionary authority over contractual arrangements with vendors/agencies shall disqualify themselves from vendor/agency involvement including contract administration, selection, performance evaluation, or authorization of new or renewing contracts where the relationship between the Adherent and vendor/agency may bring the Adherent's impartiality into question, with respect to those functions.
- (c) In exceptional situations where this would impair service delivery, Adherents must advise their Code Administrator before exercising their authority.
- (d) Once the Code Administrator has been notified the Adherent shall only exercise their authority in accordance with instructions received. In emergency situations, the
- (e) Adherent shall act impartially and notify the Code Administrator or designate immediately after exercising their authority.
- (f) Relatives of Adherents may work or be affiliated with a vendor/agency provided there is no opportunity to exercise favoritism and no Conflict of Interest exists for the Adherents involved. In this situation, the Adherent and Code Administrator will jointly implement conflict management measures if the contract:
 - (i) will result in payments in excess of \$50,000; and
 - (ii) may receive media or other public attention.
- (g) The conflict management measures in this situation must include, but are not be limited to:

- (i) ensuring the conflict situation is clearly documented;
- (ii) Introducing management process to distance the Adherent who has a conflict with the vendor/agency;
- (iii) reporting the matter to the Code Administrator prior to contract inception; and
- (iv) reporting the conflict to the Board Chair, and through the Chair to the Board at the earliest possible time.

(h) Exemptions

Exemptions from this Code may be granted by the Code Administrator only in exceptional circumstances which may include:

- (i) a significant emergency or circumstance;
- (ii) the risk of dire consequences if the conflicted services are not allowed to proceed immediately;
- (iii) a unique specialty that can only be provided by a single vendor/agency; or
- (iv) a vendor/agency that is the only specialist immediately available to resolve an emergency situation.

(i) Mitigation of Conflict When an Exemption has been Granted.

If an actual or apparent Conflict of Interest situation exists in a contracting situation, the Code Administrator shall determine the method of resolution of the situation. Options for resolution include, but are not be limited to:

- (i) limiting the contract period to the shortest possible period to mitigate the exceptional circumstances;
- (ii) having the Adherent with the conflict document the matter using a Declaration of Conflict of Interest Form;
- (iii) requiring the manager of the Team Member in conflict approve and sign the contractual arrangement; in the case of a Board Member in conflict, contractual arrangements must be signed by the Chair;
- (iv) requiring the manager of the Team Member in conflict approve invoice billings; in the case of a Board Member in conflict, invoice approvals must be signed by the Board Chair;
- (v) allowing the Adherent in conflict to provide day-to-day direction to the vendor/agency if the Adherent is the only person with the specialized skills to direct the work being undertaken with general oversight by someone of equal or higher authority;

- (vi) requiring the manager of the Adherent to communicate the resolution to the Code Administrator in writing;
 - (vii) requiring the manager to report the situation and mitigation in writing to the Code Administrator; and
 - (viii) where continued services are required, the manager will, as soon as feasible but in no circumstances beyond 60 days of contract inception, complete and disseminate a Request for Proposal, evaluate responses and choose a vendor/agency to resolve the situation which required the exemption.
- (j) The Code Administrator must:
- (i) ensure the conflict situation is clearly documented;
 - (ii) ensure the management process is adequate to distance Adherents who have a conflict with the vendor/agency;
 - (iii) monitor the situation and update the status of the situation in the documentation at least monthly for the period of the contract; and
 - (iv) report the matter to the Board at contract inception and at the close of contract; additional reporting may be requested by the Board.

PROCEDURES SPECIFIC TO ALL CONFLICTS AND VIOLATIONS OF CODE

1. Disclosure

- (a) Disclosure should occur in the following circumstances:
 - (i) Board Members and the CEO are required to disclose in writing to their Code Administrator any situation involving them, which is a perceived or actual Conflict of Interest. Any form of disclosure is appropriate, including but not limited to use of the Declaration of Conflict of Interest Form.
 - (ii) Team Members are required to disclose in writing to their Code Administrator any situation involving them, which is a perceived or actual Conflict of Interest. Any form of disclosure is appropriate, including but not limited to use of the Declaration of Conflict of Interest Form.
 - (iii) Adherents are encouraged to report in writing to their Code Administrator a potential breach of this Code by another. When reporting a potential breach in good faith and with reasonable grounds, Adherents are protected from retaliation for such reporting in accordance with Travel Alberta's Safe Harbour Policy.
- (b) It is the responsibility of each Adherent to declare in writing to the Code Administrator those private interests and relationships that they think could reasonably be seen to impact the decisions or actions they take on behalf of the Corporation. When there is a change in their responsibilities within the Corporation or in their personal

circumstances, Adherents shall disclose in writing in any format, including but not limited to using the Declaration of Conflict of Interest Form, any relevant new or additional information about those interests as soon as possible. Where a real or apparent Conflict of Interest cannot be avoided, Adherents must take the appropriate steps to manage the conflict.

- (c) Adherents must disclose any Conflict of Interest so that their Code Administrator is aware of situations that could reasonably be seen as influencing the decisions or actions they are making on behalf of the Corporation. This provides Adherents, following a review by the Code Administrator, an opportunity to take action to minimize or remove the conflict.

2. Action

- (a) If a conflict of interest arises, examples of appropriate actions include but are not limited to:

- (i) immediate disclosure of the nature of the Conflict of Interest;
- (ii) withdrawal from any decision-making process;
- (iii) cessation of influencing decision-making or managing of the contract it in any way; and
- (iv) documenting the matter using a Declaration of Conflict of Interest Form and defining the withdrawal in writing, summarizing the contractual engagement, and mitigating of the Conflict of Interest.

- (b) Options for subsequent management of a Conflict of Interest include but may not be limited to:

- (i) removing the Adherent from matters in which the conflict exists or is perceived to exist;
- (ii) Adherent giving up the particular private interest causing the conflict; and
- (iii) if appropriate or necessary, Adherent resigning their position with Travel Alberta.

3. Investigation

- (a) Once a potential violation of the Code 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 circumstances and details of the potential breach and will notify the alleged Adherent. The alleged Adherent has the right to receive full and complete information and the right to respond fully to the alleged violation. The identity of the reporting Adherent will not be disclosed unless required by law or in a legal proceeding. The Code Administrator shall make a decision and complete a report in a timely manner.

- (b) The action taken by Travel Alberta in response to a report under the Code will depend on the nature of the concern. More specifically:
 - (i) conflicts or suspected conflicts will be documented in a Declaration of Conflict of Interest Form;
 - (ii) an initial inquiry will be made to determine whether a more formal investigation is appropriate, and the form that it should take. Initial inquiries, which may include engaging independent professional advice, should begin within 15 business days of receipt of notice of the conflict;
 - (iii) an investigation will be launched only if the initial inquiry has determined that further information is required to determine the nature, implications and remediation required;
 - (iv) where an investigation is required, it will begin within 15 business days of the findings of the initial inquiry; and
 - (v) where an investigation is required, the Board will be notified immediately.

4. Investigators

- (a) All Investigators shall be independent and unbiased both in fact and appearance.
- (b) Investigators have a duty of fairness, objectivity, thoroughness, ethical behavior, and observance of legal and professional standards.
- (c) Investigators must have competency in the area under investigation. Technical and other resources may be drawn upon as necessary to augment the investigation.
- (d) Investigators have the right to engage independent professional advice (i.e. legal, human resources, accounting, etc.). Changes for the independent advice will be paid or reimbursed by the Corporation.
- (e) Investigators must submit to the Board a confidential written report on their findings.
- (f) Investigators may establish appropriate arrangements with legal counsel to provide for privilege to protect communications between the Investigator and the Adherents. This may be considered to encourage complete disclosure by Adherents without fear that it may prejudice the Adherent in the future.

5. Report to the Board

In camera, the Board of Directors shall receive each report regarding Code of Conduct investigations and any follow-up reports on actions taken and final outcomes.

6. Compliance Reporting

- (a) Compliance reporting with respect to the Code will be undertaken as required in the Policy for Compliance & Exception Reporting.

- (b) Compliance with the matters relating to contract administration must be reported in the quarterly certificate provided by the Vice President, Finance & Corporate Operations to the Audit Committee. The Vice President, Finance & Corporate Operations will include a sub-certification process in support of the quarterly certificate within the Finance group.
- (c) Compliance reporting to the appropriate Government entities shall also occur as required.

7. Review of Decision

- (a) Where the Code Administrator is the CEO, Adherents may apply to the Board Chair for a review of a ruling of a Conflict of Interest.
- (b) Where the Code Administrator is the Board Chair, Adherents may apply to the Minister or his / her designate for a review of a ruling of Conflict of Interest.

8. Penalties and Consequences

- (a) Adherents who do not comply with any provisions of this Code, including taking part in a decision or action that furthers their private interests, may be subject to disciplinary action, up to and including termination. Depending on the incident, serious legal sanctions could also occur.

9. Affirmation

- (a) The Code of Conduct shall be provided by the Code Administrator to Adherents annually at the same time as the Recognition and Affirmation of Compliance Form is circulated for completion annually. The completed forms must be returned to the Code Administrator annually.

Code of Conduct and Ethics for the Public Service of Alberta

Code of Conduct and Ethics for the Public Service of Alberta

PREAMBLE

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

PART 1

Definitions

1 For purposes of this Code, unless the context otherwise requires,

- (a) “Code” means this Code of Conduct and Ethics for the Public Service of Alberta, as amended from time to time;
- (b) “employee” includes individuals appointed pursuant to the Public Service Act, Senior Officials, wage staff and persons employed on a contractual basis;
- (c) “minor child” refers to a child under the age of majority;
- (d) the “private interest” of an employee does not include an interest;
 - (i) in a matter that is of general application, or
 - (ii) that affects a person as one of a broad class of the public, or
 - (iii) that affects the compensation or benefits of an employee, or
 - (iv) an interest that is trivial;
- (e) “relative” includes spouse, children, step-children, legal dependents, parents, siblings, in-laws, grandparents, grandchildren, nieces, nephews, aunts, uncles and first cousins;
- (f) “Senior Official” means an individual appointed pursuant to O.C. 107/2000, as amended from time to time, and whose appointment is made pursuant to the Public Service Act;

- (g) “spouse” includes a party to a relationship who is living together with another person on a bona fide domestic basis but does not include a spouse who is living apart from the employee if the employee and spouse have separated pursuant to a written separation agreement or if their support obligations and family property have been dealt with by a court order; and
- (h) “supervise” means to directly supervise or exercise influence over the assignment of duties, performance evaluation or related responsibilities of an employee.

PART 2

Application

2 *General*

- (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.

PART 3

Administration of the Code

3 *Department Responsibility*

- (1) The Deputy Head will administer the Code for their department, and will issue instructions as necessary for implementation of the Code.
- (2) The Deputy Head may issue supplementary departmental instructions which modify but do not detract from matters dealt with in this Code, provided that the supplemental instructions are not more permissive than this Code.
- (3) The Deputy Head or designate will promote the Code and any supplemental Codes on a regular basis to ensure that employees are aware of their obligations.

4 *Executive Council Responsibility*

Executive Council will administer this Code with respect to Deputy Heads and Senior Officials.

5 *Corporate Human Resources Responsibility*

Any questions regarding the interpretation or application of this Code are to be directed to the Public Service Commissioner or designate.

PART 4

Employee Responsibilities Under The Code

General Employee Responsibilities

6 *Impartiality*

Employees are expected in all regards to conduct their duties with impartiality.

7 *Disclosure*

Employees are required to disclose to their Deputy Head or designate any situation involving them which is a conflict or an apparent conflict of interest.

8 *Furthering Private Interests*

- (1) Employees are in conflict of interest and in violation of this Code if they:
 - (a) take part in a decision in the course of carrying out their duties, knowing that the decision might further a private interest of the employee, their spouse or minor child, or
 - (b) use their public role to influence or seek to influence a Government decision which could further a private interest of the employee, their spouse or minor child, or
 - (c) use or communicate information not available to the general public that was gained by the employee in the course of carrying out their duties, to further or seek to further a private interest of the employee, their spouse or minor child.

Specific Employee Responsibilities

9 *Dealings with Others*

- (1) Employees who exercise regulatory, inspection or other discretionary authority over others shall disqualify themselves from dealing with anyone with whom the relationship between them may bring the employee's impartiality into question, with respect to those functions. In situations where this would impair service delivery, employees must advise the Deputy Head or designate of the details before exercising their authority. Once the Deputy Head or designate has been notified the employee shall only exercise their authority in accordance with instructions received. In emergency situations the employee shall act impartially and notify the Deputy Head or designate immediately after exercising their authority.
- (2) Relatives of an employee may work in the same Branch, Division, Institution or Department provided there is no opportunity to exercise favouritism and no conflict of interest exists for the employees involved. An employee may not supervise a relative unless there are extenuating circumstances and the Deputy Head or designate approves an exemption from this section of the Code.
- (3) In the staffing process, selection panel members shall disqualify themselves from competitions where applicants include relatives or other individuals where the continued participation of the panel member could raise a question as to their impartiality. When recruiting wage staff or persons to special employment programs, the selection shall also be done impartially in accordance with section 6 of the Code.
- (4) Employees shall, so far as it is known to them, disclose and discuss with the Deputy Head or designate situations which may be or may appear to be conflicts of interest under this section.

10 *Outside Employment*

- (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.

11 *Teaching*

Employees may with the consent of their Deputy Head or designate, teach courses at institutions for a fee during normal working hours provided that (a) acceptable arrangements can be made for the employee to perform all regular duties, and (b) course preparation and marking is done on the employee's own time, and (c) no other conflict arises. Where the teaching duties infringe upon normal duties, the Deputy Head or designate may deny the request or may require that all or part of the fee received be paid to the Provincial Treasurer.

12 *Volunteer Activities*

Employees are encouraged to participate in volunteer activities however the restrictions as listed in section 10(1) also apply to volunteer activity. Employees who are actively associated on a volunteer basis with any organization shall disclose to the Deputy Head or designate their interest in such an organization where a conflict of interest may arise. Such employees shall disqualify themselves from participating in any Government decision which could impact the organization.

13 *Investment and Management of Private Assets*

- (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.

14 Acceptance of Gifts

- (1) Employees shall not accept fees, gifts or other benefits that are connected directly or indirectly with the performance of their public service duties, from any individual, organization or corporation, other than:
 - (a) the normal exchange of gifts between friends;
 - (b) the normal exchange of hospitality between persons doing business together;
 - (c) tokens exchanged as part of protocol;
 - (d) the normal presentation of gifts to persons participating in public functions.

15 Political Activity

- (1) There is no restriction upon participation in political activity by employees except that:
 - (a) They must not participate directly in soliciting contributions.
 - (b) Senior Officials and those employees who occupy positions in the executive manager classes of the management compensation plan may not seek nomination as a candidate in a federal or provincial election, nor hold office in a political party or constituency association. They may become candidates in a municipal election with the prior approval of their Deputy Head or Executive Council as appropriate, who will consider the general principles of the Code when reviewing such a request.
 - (c) Employees who run as candidates in a provincial or federal 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 shall not apply to such employees once the leave of absence commences.
- (2) Employees who are elected to federal or provincial office shall resign their employment effective the day of the election.
- (3) Employees who seek election and are not elected, are entitled to return to the same or similar employment, effective the day after the election.
- (4) Employees who are candidates for municipal office shall, if elected, be subject to the provisions of this Code regarding outside employment.

16 Public Statements

- (1) Employees who speak or write publicly shall ensure that they do not release information in contravention of the oath of office set out in section 20 of the Public Service Act.
- (2) The responsibility for maintaining the confidentiality of information or documents includes the responsibility for ensuring that such information or documents are not directly or indirectly made available to unauthorized persons.
- (3) Employees must adhere to the requirements of the Freedom of Information and Protection of Privacy Act.

17

Trade Knowledge and Intellectual Property

- (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.

PART 5

Crown Lands, Minerals and Resources

18

Dealings in Crown Land

- (1) For the purposes of section 24 of the Public Service Act:
 - (a) In all cases other than described in section 19, an employee is authorized to bid on or, provided Deputy Head approval is obtained under section 18(1)(b), to acquire an estate or interest in Crown land if:
 - (i) the employee has obtained the prior approval of the employee's Deputy Head or designate, and
 - (ii) the employee has disclosed that they are an employee and the details of their employment.
 - (b) The Deputy Head or designate of the department granting the interest shall review and may approve the transaction only if:
 - (i) it is consistent with departmental and government objectives, and
 - (ii) the terms of the transaction are fair and reasonable, and
 - (iii) no conflict of interest exists.
- (2) If an employee has obtained an estate or interest in Crown land in compliance with the Code, the employee may renew that estate or interest without obtaining approval from the Deputy Head or designate of the department whose Minister is responsible for the administration of the land.
- (3) Where an employee owns or has an estate or interest in land being purchased by the Crown,
 - (a) the employee shall declare their employment status to the Deputy Head or designate of the department involved in the transaction, and
 - (b) the Deputy Head or designate of that department shall review and may approve the transaction.

19 ***Acquiring Permits or Licenses for Crown Minerals or Resources***

- (1) For the purposes of section 24 of the Public Service Act, an employee is authorized to do one or more of the following:
 - (a) acquire a local timber permit or an interest in a local timber permit under the Forests Act, where the permit or interest is acquired for the employee's own use and not:

- (i) for commercial purpose, or
 - (ii) for the purpose of re-selling timber;
 - (b) acquire a license to conduct placer mining under the Metallic and Industrial Minerals Regulation (Alta. Reg.66/93 as amended);
 - (c) acquire a permit or an estate or interest in a permit to recover exposed ammonite shell under the Ammonite Shell Regulation (Alta.Reg.59/89 as amended);
- (2) For the purposes of section 24 of the Public Service Act, an employee is authorized to acquire a registered fur management license under the Wildlife Act, except that an employee under the administration of the Minister of Environmental Protection shall have the prior approval of their Deputy Head or designate, in order to acquire such a license.

PART 6

Review Process

20 Review of Decision

- (1) An employee may apply to the Ethics Commissioner for a review of a ruling of a conflict of interest by a Deputy Head, (or in the case of Senior Officials a ruling by Executive Council) under this Code or a supplementary code issued by a department.
- (2) The Ethics Commissioner will be asked to investigate and provide a recommendation to the Minister of the relevant department.
- (3) Where the Ethics Commissioner is unable to act, the Minister will determine an alternate appeal mechanism in consultation with the Public Service Commissioner.

PART 7

Penalties and Consequences

21 Penalties and Consequences

- (1) Employees who do not comply with any provisions of this Code may be subject to disciplinary action, up to and including dismissal.

To view the Code of Conduct and Ethics guidelines or for more information on the Corporate Human Resources, please visit our website at <http://www.chr.alberta.ca>