

ALBERTA APPRENTICESHIP AND INDUSTRY TRAINING BOARD

The Alberta Apprenticeship and Industry Training Board, pursuant to the requirements of the *Public Agencies Governance Framework* and section 11 of the *Alberta Public Agencies Governance Act*, approved the Code of Conduct and Ethics in the attached Appendix.

Dated at Edmonton, Alberta on June 22, 2018.

ORIGINAL SIGNED BY

j'Amey Bevan

Chair

Alberta Apprenticeship and Industry Training Board

Alberta Apprenticeship and Industry Training Board

Code of Conduct and Ethics

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Preamble

As the people of Alberta have a right to public services that are conducted with impartiality and integrity and it is this special obligation to Albertans that demands that there not be, nor seem to be, any conflict between the private interests of members of the Alberta Apprenticeship and Industry Training Board and their duty to the public.

As it is recognized that members of the Alberta Apprenticeship and Industry Training Board 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.

As it is recognized

that members of the Alberta Apprenticeship and Industry Training Board are appointed because of their knowledge about training in trades and occupations and the needs of the Alberta labour force for skilled and trained persons.

that in addition to a chair, there are eight members who represent employers and employees in designated trades and four members who represent employers and employees in other industries.

that members are not appointed simply as representatives of, or delegates from, particular interest groups. While the advice of the various interest groups in industry is customarily sought in making an appointment, the appointment is in part a reflection of the appointee's overall credibility in industry.

that no person or organization has any right to recall or censure any member, or has a right to exert any influence over a member's conduct in respect of that member's Board related activities.

As it is recognized

that the primary responsibility of the Alberta Apprenticeship and Industry Training Board is to establish the standards and requirements for training and certification in programs under the *Apprenticeship and Industry Training Act*.

that the Board also advises the Minister and makes recommendations to the Minister about the designation of trades and occupations.

that a member of the Board is free to bring any relevant considerations the member's experience may have to offer on an issue to assist the Board to fully explore all the consequences of any standards and requirements for training and certification it may adopt or any recommendations it may make.

This Code is not intended to negate an individual Board member's perspective or supersede the rights and obligations of public agencies members as set out in the *Conflicts of Interest Act*.

As the Alberta Apprenticeship and Industry Training Board established under the *Apprenticeship and Industry Training Act* is a public agency as defined in the *Public Agencies Governance Framework* and the *Alberta Public Agencies Governance Act*, the Board therefore, adopts this Code of Conduct and Ethics which

is intended to demonstrate that all aspects of the work of the Alberta Apprenticeship and Industry Training Board are conducted in an ethical manner, and that systems and policy are in place to avoid or manage conflicts of interest, and

complements and is in addition to the requirements of the *Apprenticeship and Industry Training Act* and its regulations and orders, Board by-laws and the Board's Mandate and Roles Document, in governing the conduct of the members of the Board,

and

to demonstrate its commitment to transparency and accountability, has requested that this Code be made available to the public on the Apprenticeship and Industry Training website at www.tradesecrets.alberta.ca.

Definitions

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

- (a) “Assistant Deputy Minister” means the Assistant Deputy Minister responsible for the Apprenticeship and Industry Training sector;
- (b) "Board" means the Alberta Apprenticeship and Industry Training Board established pursuant to the *Apprenticeship and Industry Training Act*;
- (c) “bylaws” means bylaws of the Alberta Apprenticeship and Industry Training Board made pursuant to section 4(1) of the *Apprenticeship and Industry Training Act*;
- (d) “chair” means the individual who is appointed chair of the Board pursuant to the *Apprenticeship and Industry Training Act*;
- (e) "Code" means this Code of Conduct and Ethics for the Alberta Apprenticeship and Industry Training Board, as amended from time to time;
- (f) "department" means the department of the Government of Alberta established pursuant to the *Government Organization Act* and under the administration of the Minister;
- (g) “Executive Director” means the Executive Director appointed pursuant to the *Apprenticeship and Industry Training Act*;
- (h) “Mandate and Roles Document” means the mandate and roles document of the Alberta Apprenticeship and Industry Training Board developed pursuant to the *Public Agencies Governance Framework* and the *Alberta Public Agencies Governance Act*.
- (i) "member" means an individual who is appointed as a member of the Board pursuant to the *Apprenticeship and Industry Training Act*, and includes the chair;
- (j) “Minister” means the Minister determined under the *Government Organization Act* as the Minister responsible for the *Apprenticeship and Industry Training Act*;
- (k) “relative” includes spouse, adult interdependent partner, children, step-children, legal dependents, parents, siblings, in-laws, grandparents, grandchildren, nieces, nephews, aunts, uncles and first cousins.
- (l) “Ethics Commissioner” means the officer of the Legislature appointed by the Lieutenant Governor in Council, to carry out the Ethics Commissioner’s duties and functions under the *Conflicts of Interest Act*.

- (2) The "private interest" of a member does not include an interest:
- (a) in a matter that is of general application, or
 - (b) that affects a person as one of a broad class of the public, or
 - (c) that affects the compensation or benefits of a member, or
 - (d) an interest that is trivial.

General Application

2(1) This Code applies to all members.

(2) This Code is in addition to any statute pertaining to the actions of a member and to any instructions issued by the chair, the Minister or the Government of Alberta.

(3) Conflicts between the private interests of members and their duty to the public not specifically addressed in this Code must be dealt with according to the principles and intent of the Code.

Administration of the Code

3(1) The chair will administer the Code for all members, and will issue instructions as necessary for implementation of the Code.

(2) For the chair, the Code will be administered by the other members.

(3) The chair may issue supplementary 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.

(4) The chair and the Executive Director will promote the Code and any supplemental Codes on a regular basis to ensure that members are aware of their obligations.

(5) Any questions regarding the interpretation or application of this Code are to be directed to the chair or the Executive Director.

(6) The chair may seek advice from the Assistant Deputy Minister or the Ethics Commissioner about whether a proposed activity of the Board or the chair would be a breach of the Code.

(7) The Ethics Commissioner may, as the Ethics Commissioner considers to be appropriate, request that the chair or the responsible Minister provide to the Ethics Commissioner a copy of the Board's code of conduct.

Core values

4(1) In this section,

- (a) acting with impartiality generally refers to being unbiased, treating all without prejudice and basing decisions on objective criteria rather than favouritism,
- (b) acting with integrity generally refers to the quality of being honest and having principles that are firmly adhered to,
- (c) demonstrating respect generally means treating others with courtesy and dignity,
- (d) demonstrating accountability generally means assuming responsibility for decisions, actions and behaviours.

(2) Members shall in all regards conduct their duties with impartiality and integrity and to act in the best interests of the Board, of the Alberta apprenticeship and industry training system and of Albertans.

(3) Members are expected to demonstrate respect and accountability throughout all internal Board activities and any dealings with the general public.

General conduct of members

5(1) Members must ensure they are aware of and adhere to the *Apprenticeship and Industry Training Act* and its regulations and orders, this Code, the Mandate and Roles document and by-laws of the Board.

(2) Members must at all times participate actively in the affairs of the Board by:

- (a) regularly attending meetings of the Board and its standing and ad hoc committees,
- (b) reviewing information and documentation provided, and
- (c) making such inquiries of the department as the member deems reasonably necessary in the discharge of the member's duties.

(3) In voting on Board matters, members are expected to consider all available information and vote based on the best interests of Albertans. Once the Board makes a decision, all members must either support the Board's decision or take the position of visible neutrality.

(4) The chair will conduct a periodic evaluation of the performance of each member to enhance the effectiveness of the member and the Board as a whole. During the evaluation, each member shall confirm that they have received a copy of the Code and affirm, or re-affirm, in writing their understanding of, commitment to, and compliance with, the Code's expectations throughout the previous time period and into the coming year.

(5) A member must resign from any position held on a local apprenticeship committee, provincial apprenticeship committee, occupational committee or provisional committee once appointed as a member of the Board.

Public statements

6(1) The chair or a member of the Board designated by the chair will act as the sole spokesperson for the Board when speaking to media.

(2) A member who speaks or writes publicly shall ensure that the member does not release confidential or privileged information unless the member is specifically authorized to do so.

Confidentiality

7(1) Members are responsible for maintaining the confidentiality of information, which includes the responsibility for ensuring that such information is not directly or indirectly made available to unauthorized persons and is preserved or disposed of according to the department's information management policy.

(2) Members must adhere to the requirements of the *Freedom of Information and Protection of Privacy Act*.

Conflict of interest and furthering private interests

8(1) A conflict of interest exists if a member takes part in, influences or manipulates a decision made by the Board knowing that the decision might further their private interests or those directly associated with them (for instance, spouses or companies they own), provide an unfair advantage to a member of the public, or personal financial gain or some other material benefit to either the member or a relative of the member, or both.

(2) Members may not use or communicate information, not available to the general public, that they gained in the course of carrying out their duties, to further or try to further their private interest or any other person's private interest.

(3) Prior to being appointed to the Board, members will be screened for real or potential conflicts of interest. If a real or potential conflict of interest is deemed to exist, it must be determined if the conflict can be appropriately managed, prior to the appointment being finalized.

(4) The chair and members are bound to the same statutory conflict of interest disclosure requirements and furthering private interests restrictions immediately upon the Code coming into force as indicated in section 22(1).

Disclosure of real and apparent conflicts of interest

9(1) If a member has reasonable grounds to believe that the member or another member has or may have a real and apparent conflict of interest, the member must disclose the conflict of interest adequately and appropriately:

- (a) to the Board at a meeting of the Board if the member first becomes aware of the existing or potential conflict of interest during the meeting, or
- (b) to the chair in writing at any other time as soon as the member becomes aware of the existing or potential conflict of interest.

(2) If a member discloses an existing or a potential conflict of interest to the chair, the chair must bring the matter before the Board at the Board's next meeting, or where other matters of the Board may be impeded by the potential conflict of interest, call a special meeting of the members, in person or by conference call, or contact the appropriate authority (such as the Assistant Deputy Minister or Ethics Commissioner) to resolve the potential conflict of interest.

(3) Members understand that disclosure of a conflict of interest does not remove the conflict of interest.

Safe disclosure

10 All members will respect the principle of safe disclosure and will ensure that the Board has mechanisms for concerns to be brought forward without retribution.

Determination of a conflict of interest

11(1) When the Board is made aware of an existing or potential conflict of interest, the Board shall, by motion, determine whether a conflict of interest exists.

(2) All conflict of interest matters and their resolution by the Board must be recorded in the minutes of the Board's meeting.

Resolution of a conflict of interest

12(1) If a member discloses an actual or potential conflict of interest to the Board or the chair under section 8, or if the Board determines that a member has failed, whether knowingly or unknowingly, to comply with section 8, the Board must assess the nature and extent of the conflict of interest.

(2) In order to assess the nature and extent of the conflict of interest, the Board may require the affected member to disclose the details of the private interest, unfair advantage, actual or potential financial gain or other material benefit gained

- (a) by the member,
- (b) by a relative of the member if the details of the relative's financial gain or other material benefit gained are known by the member, or
- (c) by a member of the public, in the case of an unfair advantage.

(3) The member must be given an opportunity to respond to any allegations and present their case to the Board before the Board makes a decision.

(4) After assessing the nature and extent of the conflict of interest, the Board may do one or more of the following:

- (a) require the member to abstain from future discussions of the matter and voting on the matter;
- (b) require the member to remove himself or herself from the conflict situation in order to resolve the conflict;
- (c) recommend to the member that the member voluntarily resign from the Board;
- (d) recommend to the Minister that the member's appointment be terminated.

Review of decision

13(1) The affected member may apply in writing to the Ethics Commissioner for a review of a ruling of a conflict of interest by the Board under this Code.

(2) The Ethics Commissioner may conduct a review and provide a decision to the affected member. The Ethics Commissioner may,

- (a) uphold the ruling, or
- (b) rescind the ruling, and
- (c) direct the Board to establish a mechanism to avoid or manage the identified conflict of interest.

(3) The Ethics Commissioner's decision is final.

Restrictions on Using Influence

14(1) A member must not use their office or powers as a member to influence or try to influence a decision of the Crown to further their private interest, the interest of a person directly associated with them, the interest of their minor child, or to improperly further any other person's interest.

(2) A member must not use the member's influence to secure employment, special privileges, favours or exceptions for the member or for a relative of the member or to provide an unfair advantage to a member of the public.

Acceptance of Gifts

15(1) Members shall not accept a fee, gift, favour or other benefit that is connected directly or indirectly with the performance of the member's 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(2) The maximum cash value of the above should not exceed \$100.

15(3) The total value of the fees, gifts, favours or other benefits received from the same source cannot exceed a maximum cash value of \$200 in any calendar year.

Volunteer activities

16(1) A member who is actively associated on a volunteer basis with any organization shall disclose to the chair and the Executive Director their interest in such an organization where a conflict of interest may arise.

(2) Such a member shall disqualify themselves from participating in any Board decision which could impact the organization.

(3) A member must not engage in volunteer activities under the name of the Board without the permission of the chair or the Board.

Trade knowledge and intellectual property

17(1) Any product or technology developed by members in the course of their membership on the Board is the property of the department in perpetuity.

(2) A member shall not sell, trade, market or distribute any such product or technology unless otherwise authorized by the Minister.

Concurrent Employment

18(1) The chair or member must resign in writing from their position on the Board if the chair or member accepts employment with the department.

(2) A member must notify the chair in writing if their employment status changes if the employment change affects their ability to represent their jurisdiction as well as to conduct their responsibilities as set out in section 5.

(3) A member must notify the chair in writing if they accept employment with a training provider that offers recognized apprenticeship program training.

(4) The chair must conduct a review of the concurrent employment referred to in subsection (2) and (3) and shall provide a decision in writing to the member on whether the concurrent employment is approved.

(5) The chair must notify the Minister in writing if they accept employment as referred to subsection (2) and (3).

(6) The Minister must conduct a review of the concurrent employment referred to in subsection (2) and (3) in the case of the chair and shall provide a decision in writing to the chair on whether the concurrent employment is approved.

Contracts with the department relating to apprenticeship and industry training programs

19(1) For a period of six months from the date a person ceases to be a member; the department shall not enter into any contracts with that person relating to the delivery of apprenticeship and industry training programs.

(2) The Board with the approval of the Minister may shorten the time period referred to in subsection (1).

Political Activity

20 There is no restriction on participation in political activity by members except that political activities must be clearly separated from activities related to a member's duties and responsibilities. Personal interests and business activities, including political activities, should not influence or appear to influence individual decisions made in the course of serving as a member of the Board.

Penalties and consequences

21 A member who does not comply with any provisions of this Code may be subject to disciplinary action, up to and including termination of the member's appointment as a member of the Board.

Coming into force

22(1) This Code is in effect 60 days after the date of approval by the Board.

(2) To ensure it remains current, relevant and reflects the changing demands of the Board and industry, the Code will be reviewed at least every 5 years.