PREMIER’S COUNCIL ON THE STATUS OF PERSONS WITH DISABILITIES

Community and Social Services

CODE OF CONDUCT

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Section 1. Preamble

The Premier’s Council on the Status of Persons with Disabilities (the Council) Code of Conduct (the Code) applies to all members and establishes rules and provides guidance to its Members, including the Chair and Deputy Chair. The Code is intended to maintain and enhance the confidence of the public in general in the ethical behavior of Members.

The Code reflects a commitment to the Council’s values and provides a framework to guide ethical conduct in a way that upholds the integrity and reputation of the Council. The people of Alberta have a right to a Council that is conducted with impartiality and integrity. Members also hold a special obligation to Albertans which demands that they exercise care and diligence, and that there not be, nor seem to be, any conflict between the private interests of Members and their duty to the public. Members are expected to behave in a way that aligns with this Code. Although this Code does not cover every specific scenario, members use the spirit and intent behind this Code to guide their conduct and exercise care and diligence in the course of their work with the Council.

This Code is consistent with the policy on ethics and conflict of interest set out in the Public Agencies Governance Framework and also meets the requirements of the Alberta Public Agencies Governance Act. To demonstrate commitment to transparency and accountability, this Code is available to the public on the Council’s website.

Section 2. Definitions

a. “Secretariat” means the branch in the Disabilities, Inclusion and Accessibility Division providing support to the Council for its work.


c. "Associate" means the following individuals and organizations:
   (i) a Member’s spouse or adult interdependent partner;
   (ii) a person related to a Member by blood, marriage or adoption, or through an adult interdependent partner;
   (iii) a person with whom a Member has a significant personal or business relationship;
   (iv) a person or group of persons acting with the express or implied consent of a Member;
   (v) a corporation having share capital and carrying on business or activities for profit or gain and a Member or person listed in clauses (i) to (iv) is a director or senior officer of the corporation;
   (vi) a private corporation carrying on business or activities for profit or gain and a Member or person listed in clauses (i) to (iv) owns or is the beneficial owner of shares of the corporation.
a partnership in which:

a. a Member or person listed in clauses (i) to (iv) is a partner; or
b. a corporation is a partner and a Member or a person listed in clauses (i) and (iv)
is a director, a senior officer or a shareholder of the corporation.

d. "Bias" means a lack of neutrality or impartiality on the part of a Member regarding an issue
to be decided or a recommendation being made. A biased Member is predisposed to
make a decision based on considerations that are improper and extraneous to the matter
before the Member. Bias may manifest itself in the conduct of a Member and in the
Member’s personal associations.

(i) "reasonable apprehension of bias" happens when an informed person, viewing the
circumstances realistically and practically, concludes that a Member may not be
impartial or fair. A reasonable apprehension of bias includes circumstances where
the Member is not actually improperly influenced, but it is reasonable for an outsider
to perceive bias.

e. “Chair” means a member of the Council who is appointed by the Lieutenant Governor
through an Order in Council as the Chair of the Council.

f. “Code” means this Code of Conduct, as amended from time to time.

g. "Conflict of Interest" means a situation where a Member has the ability to influence a
decision made that could result in a financial gain or some other benefit to the Member or
an Associate.

(i) “apparent” conflict of interest is where it appears to members of the public that a
Member’s private interests could improperly influence the performance of the
Member’s duties.

(ii) "potential" conflict of interest is where a conflict of interest could reasonably arise in
the future.

h. “Deputy Chair” means a member of the Council and Member of the Legislative Assembly
who is appointed by the Lieutenant Governor through an Order in Council as the Deputy
Chair.

i. “Director” means the Director of the Secretariat.

j. “Code Administrator” ensures that any real or apparent conflicts of interest are avoided or
managed. The Code Administrator gives advice and manages all concerns about
breaches of the Code related to the Commission.


l. "Member" means an individual member of the Premier’s Council on the Status of Persons
with Disabilities, including the Chair and Deputy Chair unless they are expressly excluded
from a provision of this Code.

m. “Minister” means the Minister of Community and Social Services (“CSS”).

n. "Private Interests" are interests that could result in a financial gain or some other benefit to
a Member or Associate, but does not include an interest in a matter that:

(i) is of general application;
(ii) affects a person as one of a broad class of the public;
(iii) affects the compensation or benefits of the Member or an Associate of the Member; or
(iv) is trivial.

o. “Spouse” means the spouse of a married person but does not include a spouse who is living separate and apart from the person if the person 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.

Section 3. Application

3.1 This Code applies to all Members, except for where certain provisions of this Code expressly exempt specific Members. The provisions of this Code satisfy the requirements of the Conflicts of Interest Act setting out higher standards applicable to senior officials of public agencies. This Code holds all individual Members of the Council to these higher standards.

3.2 The obligations set out in section 7.3 (Influence) of this Code continue for two years after a Member’s term ends, including where ended by resignation or expiry, termination or rescinding of an appointment.

3.3 The obligations set out in the following sections of this Code:
   a) 7.7 (Confidentiality and Safe Disclosure)
   b) 7.8 (One Voice), and
   c) 7.9.2 and 7.9.3 (Stewardship of Resources and Property)

continue indefinitely after a Member’s term ends, including where ended by resignation or expiry, termination or rescinding of an appointment.

3.4 Any conflicts or unethical behavior not foreseen in the Code should be dealt with according to the spirit and intent of the Code.

3.5 The Council does not have employees, but are assisted by the Secretariat staff to which this Code of Conduct does not apply. As Secretariat staff are employed by the Government, they are instead subject to the Code of Conduct and Ethics for the Public Service of Alberta.

Section 4. Administration

Respecting Members other than the Chair:
4.1 The Chair is the Code Administrator for the Code for the Council, in consultation with the Director of the Secretariat.

Respecting the Chair:
4.2 The CSS Minister is the Code Administrator for the Code for the Chair, and may delegate responsibility to any individual that the CSS Minister deems appropriate to investigate a breach by any Member.

NOTE: Administrative processes are set out in Part 8 of the Code.
Section 5. Core Values

5.1 Values provide guidance from which to make decisions. They help define ethical behaviour and outline expectations for acceptable conduct. The Council has identified the following values required for Members:

a) Respect – Members must foster an environment in which all individuals are treated with courtesy and dignity, valued and heard

b) Integrity – Members must behave ethically and are open, honest and fair

c) Excellence – Members must use innovation and continuous improvement to achieve excellence within available resources

d) Accountability – Members must be responsible for their decisions, actions and behaviours, and for contributing to the effectiveness of the Council

e) Impartiality – Members must be unbiased, treating all individuals without prejudice and basing decisions on objective criteria rather than favouritism. Members are not in conflict with their private interests and duty to the public.

Section 6. Guiding Principles

The following principles guide the day-to-day behaviour and decisions of members and are in addition to the principles that guide Council’s pursuit of its vision and mission:

6.1 Members of the Council are bound by the Code. Members have a duty to act fairly, in good faith and without conflict of interest or bias. Members must behave in a way that demonstrates that their behavior and actions are fair and reasonable in the circumstances.

6.2 The actions and decisions of Members must be made to promote the public interest and to advance the mandate and long-term interests of the Council. To serve the public interest, Members have a responsibility to uphold the Council’s mandate in conducting agency business.

6.3 Members must encourage their colleagues to act fairly and ethically and must be able to raise concerns in good faith about a suspected breach of the Code by another Member to the Code Administrator without fear of reprisal.

6.4 Breaches of the Code by a Member may result in disciplinary action, up to and including removal or termination of the Member.

6.5 When a Member, as an individual, is subject to more than one code of conduct, the Member must consider the expectations in all. Members understand that this Code is not intended to conflict with other codes of conduct, and will discuss any potential conflicts between those codes of conduct with the Code Administrator or Director of the Secretariat.

6.6 If the Chair is subject to more than one code of conduct, the Chair will discuss any potential conflicts between those codes of conduct with the Director of the Secretariat and may also discuss potential conflicts with the Ethics Commissioner. The Code applies to all members unless a specific exemption is granted by the Code Administrator.
6.7 Each Member must sign the prescribed Member Oath for CSS public agencies. Each Member must also confirm upon appointment or re-appointment the Member’s understanding of, and commitment to, the Code’s expectations. If Members have any questions about the Code, or are not sure how to apply these principles, they should consult with the Code Administrator or Director of the Secretariat.

6.8 Additional guiding principles for the Council include:

(a) Members enjoy the same rights in their private dealings as any other Albertan, unless it is demonstrated that a restriction is necessary in the public interest.

Section 7. Behavioural Standards

Behavioural standards help members make appropriate decisions when the issues they face involve ethical considerations. Behavioural standards cannot cover all scenarios but provide guidance in support of day-to-day decisions and individual discretion in these scenarios as required. All members must adhere to the following standards:

7.1 **Conflict of Interest**

7.1.1 Members must not act in their self-interest or further their private interests or those of their Associates by virtue of their position or through the carrying out of their duties.

7.1.2 Members must refrain from taking part in a decision in the course of carrying out their duties while knowing that the decision might further their private interests or those of their Associates.

7.1.3 Members must appropriately and adequately disclose all real, apparent, potential and alleged conflict of interest matters relating to themselves or their Associates as soon as they become aware of such.

7.2 **Concurrent Employment, Appointments, Business, Undertakings and Volunteer Activity**

7.2.1 Members may take supplementary employment (including self-employment) or appointments, conduct business and undertakings, and participate in volunteer activities while they are a Member unless such pursuits:

(a) Cause a real, apparent or potential conflict of interest;

(b) Are performed in such a way as to appear to be an official act, or to represent a Government or Agency’s opinion or policy;

(c) Interfere through telephone calls or in other ways with regular duties;

(d) Contravene confidentiality obligations of the Agency;

(e) Result in being paid for work done under the Agency; or

(f) Involve the use of Government resources, premises and equipment, except as permitted under section 7.10 (Stewardship of Resources and Property).
7.2.2 In addition, Members:
   (a) Must not participate in soliciting contributions for political parties;
   (b) may participate in political activities, including membership in a political party, supporting a candidate running for elected office. Any political activity must be separate from the Council and cannot be done using the Council’s resources.
   (c) should disclose in writing any participation in political activities to the Code Administrator;
   (d) With the exception of the Deputy Chair, members must not be an elected member of a federal, provincial or municipal government, and must resign from the Council upon deciding to run as a candidate;
   (e) Must not be an employee within the CSS ministry;
   (f) Must not be a service provider to the CSS ministry, either personally or through their Associates; and
   (g) Must not accept additional compensation for duties that they perform in connection with the Council.

7.2.3 Members must disclose any concurrent or anticipated employment (including self-employment), appointments, business or undertaking, and volunteer activity in writing prior to accepting any concurrent employment or appointments, conducting a business or undertaking, or participating a voluntary activity. Each Member also must confirm annually in writing any concurrent or anticipated employment or appointments, business or undertaking, or voluntary activities using the prescribed Member Oath form for CSS public agencies. Following the disclosure, the Chair, with the Director of the Secretariat, will review the position and provide a response in accordance to section 7.2.5.

7.2.4 The Chair must confirm annually in writing any concurrent or anticipated employment or appointments, business or undertaking, or voluntary activities in such form as may be prescribed by the Ethics Commissioner. Such disclosure or confirmation is made to the Chair in the case of Members other than the Chair, and to the Ethics Commissioner in the case of the Chair.

7.2.5 Members must comply with the following decisions of the Chair, or the Ethics Commissioner in the case of the Chair:
   (a) A decision of the Chair, with the Director of the Secretariat, regarding whether an activity noted in section 7.2.3, that is disclosed by a Member or otherwise comes to the attention of the Chair, can be permitted under the Code. The Chair will note the decision on the prescribed form, including any approval or conditional approval or any requirement for the Member to stop the activity or resign. The Chair shall provide a copy of any such decision to the Director of the Secretariat for filing.
   (b) A decision of the Ethics Commissioner regarding whether an activity noted in section 7.2.3, that is disclosed by the Chair or otherwise comes to the attention of the Ethics Commissioner, can be permitted under the Code. The Chair shall provide a copy of the Ethics Commissioner’s decision to the Director of the Secretariat for filing.
7.3 Influence

7.3.1 A Member must fulfill the Member’s duties and responsibilities on the Council free of influence connected to the improper furtherance of the private interests of the Member or those of the Member’s Associates, whether that influence comes from any person, interest group, political process or other extraneous consideration. However, Members may seek and consider advice from the Secretariat from time to time.

7.3.2 Members must not allow the performance of their duties to be influenced by offers of future employment or the anticipation of offers of employment for themselves or Associates.

7.3.3 A Member must not use the Member’s position as a Member to influence or seek to influence a decision to be made by or behalf of the Government or a public agency (including the Council) to further a private interest of the Member or of the Member’s Associate or to improperly further any other person’s private interest.

7.3.4 Members must 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, other than

a) the normal exchange of gifts between friends;

b) tokens exchanged as part of protocol; and

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

The above-mentioned gifts and tokens should be of nominal or nil monetary value. That value must not include cash or cheques and it must not exceed $100 for an individual gift or token or exceed $200 from the same source in any calendar year.

7.4 Impartiality and Objectivity

7.4.1 Members must strive to conduct themselves in a manner that does not create bias nor raise a reasonable apprehension of bias.

7.4.2 Members must avoid dealing with individuals or entities in which the relationship between them might bring into question the impartiality of the Member.

7.5 Diligence and Prudence

7.5.1 Members must perform their official duties and responsibilities fully and diligently.

7.5.2 Members must exercise the degree of care, diligence and skill that a reasonably prudent person would exercise in comparable circumstances.

7.5.3 Members must not use drugs or alcohol in a way that affects their performance and safety or the performance and safety of their colleagues, or that negatively impacts the reputation or operations of the Council.
7.5.4 Members must not engage in any criminal activity and must comply with all relevant laws, regulations, policies and procedures. Members must disclose any such activity and they may be required to resign depending on the type of criminal activity, whether past or present.

7.6 Integrity, Respect and Collegiality

7.6.1 Members must foster a collegial approach in performing their official duties and responsibilities. Consequently:
(a) Members must not criticize the motives, ability or personalities of fellow Members.
(b) Members may assist colleagues through the exchange of views, information and opinions in a spirit of respect for the special skills and qualities of each Member.
(c) Disagreements during meetings or deliberations are viewed as diverse opinions, which contribute to enriching the discussions. Consequently, a spirit of collegiality does not preclude Members from respectfully disagreeing with the position taken by a colleague during a meeting or deliberation.

7.6.2 Members must contribute to a safe and healthy workplace that is free from discrimination, harassment or violence.

7.6.3 A Member who has interactions with Government staff must recognize that the Member does not have authority over such staff, or over contractors and stakeholders of the CSS ministry.

7.7 Confidentiality and Safe Disclosure

7.7.1 Members will not disclose any personal information, written or verbal, coming to their attention or knowledge by way of their involvement in the Council except as needed to carry out their mandate or as required by law.

7.7.2 Members ensure that all personal information, written or oral, coming to their attention or knowledge by way of their involvement with the Council is kept confidential. Consequently:
(a) Members must respect and protect confidential information, use it only for the work of the Council and not use it for personal gain.
(b) Members must comply with all legislation, policies, guidelines and protocols applicable to the Council’s collection, storage, use, transmission and disclosure of information, including without limitation the Freedom of Information and Protection of Privacy Act.

7.7.3 A Member must not communicate information not available to the general public that was gained from the Member’s position or in the course of carrying out the Member’s duties to further, or to seek to further, a private interest of the Member, of the Member’s Associate or of anyone else.

7.7.4 Once Members have left the Council, they must not disclose confidential information that they became aware of during their work with the Council.
7.8 One Voice

7.8.1 Members must not publicly criticize or comment on the decisions, procedures or structures of the Council. Consequently:
(a) Only the Chair speaks for the Council publicly, unless the Chair delegates this responsibility to the Deputy Chair. If delegated this authority by the Chair, the Deputy Chair will be expected to reflect Council’s view, position, policy or decision.
(b) Members must not speak for the Council publicly.

7.8.2 Members must promptly notify the Chair and Director of the Secretariat of any media requests for comment about the Council. Media interviews are conducted by the Chair or Director of the Secretariat depending on the subject matter.

7.8.3 A Member who has outside interactions with any Minister, the Premier, other Government officials or the public must recognize that any individual Member or group of Members does not have authority to speak for the Council.

7.9 Stewardship of Resources and Property

7.9.1 Members must be responsible stewards of public resources when organizing or taking part in Council business (such as training, meetings and travel).

7.9.2 Any product or technology developed by the Council or by Members in the course of their work on the Council is considered the property of the Government. Members must not sell, trade, share, market or distribute any such product or technology.

7.9.3 Members must return any property they received from the Government immediately upon resignation, termination or expiration of their appointments unless otherwise informed in writing by the Director of the Secretariat.

7.9.4 Members must not use Government premises or equipment to further their private interests or those of their Associates.

Section 8. Administrative Processes

The Council Chair is the Code Administrator with the support of the Director of the Secretariat and receives and ensures the confidentiality of all disclosures and ensures that any real or apparent conflict of interest is avoided or effectively managed.

8.1 Process for Disclosing Conflict of Interest and other breaches of the Code for Members

Self-disclosure:

8.1.1 Members are required to disclose any situation involving them which may be a real, apparent, potential or alleged:
(a) conflict of interest; or
(b) other breach of the Code.
The disclosure should be made in writing where reasonably possible to the Chair or Director of the Secretariat.

8.1.2 Disclosure itself does not remove a conflict of interest or correct any breach of the Code.

8.1.3 Any Member with a direct involvement in a matter under consideration by the Council or who has the potential for a conflict of interest arising from a decision or recommendation must not sit as a Member in relation to that decision or recommendation.

**Disclosing about others:**

8.1.4 Members are encouraged to speak directly with the other Member whose behavior may be in breach of the Code.

8.1.5 If the matter is not resolved, Members should disclose their concern to their Chair or the Director of the Secretariat.

8.2 **Process for Disclosing Conflict of Interest and other breaches of the Code by the Chair**

8.2.1 Members are encouraged to speak directly with their Chair about their concern that the Chair’s behavior may be a breach of the Code.

8.2.2 If the matter relates to the Chair and is not resolved by the Chair, the Member should disclose their concern to the Director of the Secretariat who may refer the matter to the CSS Minister if the Chair does not do so.

8.3 **Process for Administering the Code of Conduct for Members other than the Chair**

**Overall Matters and Issues:**

8.3.1 When the Chair is made or becomes aware of a real, apparent, potential or alleged conflict of interest or other breach of the Code, the Chair must determine whether there is a conflict of interest or breach of the Code that must be addressed.

8.3.2 If after consulting with the Director of the Secretariat, the Chair considers that there may be a conflict of interest or breach of the Code:

(a) the Chair shall inform the Member in writing of the nature and extent of the potential conflict of interest;

(b) with respect to a conflict of interest, in order to assess its nature and extent, the Chair may also require that the affected Member disclose the details of the financial gain or other benefit gained by the Member, or by an Associate if the details of the Associate's financial gain or other benefit gained are known by the Member;

(c) where an individual has alleged of a violation of the Code, that individual must be identified; and

(d) the Member will be allowed to present his or her views on the matter.

8.3.3 The Chair will then determine whether the Member has breached the Code and what actions will be taken, and inform the Member in writing. The Chair’s actions may include one or more of the following:

(a) require the Member to abstain from future involvement in the matter;

(b) require the Member to remove himself/herself from the conflict of interest to resolve the conflict;

(c) censure the Member;
(d) recommend to the CSS Minister that the Member’s appointment be terminated; and
(e) consult with the CSS Minister if the Chair cannot resolve the issue.

8.3.4 Copies of all records of disclosures, written complaints, findings, disciplinary actions regarding a breach of the Code will be added to the Member’s file.

8.4 **Process for Administering the Code of Conduct for the Chair**

8.4.1 When the Chair is made or becomes aware that he/she has or may have a real, apparent, potential or alleged conflict of interest or other breach of the Code, the Chair shall take the following actions:

(a) The Chair must resolve the matter or issue (e.g. by removing himself/herself from a meeting, or by changing inappropriate behavior); and

(b) If the conflict of interest, bias or behavior has not been resolved, the Chair:
   (i) must apprise the Director of the Secretariat; and
   (ii) may consult Governance Services, or Members of the Council.

8.4.2 If the conflict of interest, bias or behavior still has not been resolved, the Chair must disclose the matter or issue to the CSS Minister.

8.4.3 All copies of disclosures, written complaints, findings, disciplinary actions regarding a breach of the Code by the Chair will be added to the Chair’s file.

8.5 **Review Process**

8.5.1 Reviews of a Chair’s decision regarding a conflict of interest of other breach of the Code may be referred to the CSS Minister or delegate.

8.5.2 There is no review of any decision made by the CSS Minister regarding a conflict of interest of other breach of the Code other than as may be provided in the *Conflicts of Interest Act*.

**Section 9. Miscellaneous**

9.1 **Review of the Code of Conduct**

The Code of Conduct for the Premier’s Council on the Status of Persons with Disabilities was introduced on November 16, 2009, and is reaffirmed annually by the Council to ensure it remains current and relevant.

9.1.1 The Code must be reviewed and renewed, amended or replaced within three years after the day on which it is signed by the Chair and approved by the Ethics Commissioner.

9.1.2 The Code will also be reviewed in connection with changes to Part 4.3 of the *Conflicts of Interest Act* or new regulations thereunder, and amended or replaced if necessary.

9.1.3 The Secretariat must initiate this review.
9.1.4 The Code of Conduct remains in effect until it is renewed, amended or replaced under s.9.1.1 even if the Council is not in compliance with the Conflict of Interest Act.

9.2 Transparency

9.2.1 Signed copies of the Code will be filed with the Public Agencies Secretariat and the Secretariat. This document will also be available to the public on the Public Agency Secretariat website at www.agencygovernance.alberta.ca.

9.3 Implementation

9.3.1 The Code will come into force 80 business days following approval of the Code by the Ethics Commissioner and public posting of the Code to provide adequate time for training of Members on the contents of the Code. The implementation date will be recorded at the end of the Code.

9.4 Other

In the event that any provision in the Code conflicts with an Act or Regulation of Alberta, the provision will be considered to be of no force or effect, and such event will not invalidate the remainder of the Code.

Signed on behalf of the Premier's Council on the Status of Persons with Disabilities by the Chair

_________________________ ___________________________ ______________________
Name Signature Date

Approved by the Ethics Commissioner

_________________________ ___________________________ ______________________
Name Signature Date

Implementation Date: ____________________________