

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. 1/2016, as amended or replaced 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 *The Public Service Commission 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 are no restrictions on participation by employees in political activity, except the following:
 - (a) Senior Officials and those employees who occupy positions in the executive manager classes of the management compensation plan shall 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 shall not seek or hold nomination or become or run as candidates in a federal or provincial election;
 - (c) Senior Officials and those employees who occupy positions in the executive manager classes of the management compensation plan shall not hold office in a political party or constituency association;
 - (d) Senior Officials and those employees who occupy positions in the executive manager classes of the management compensation plan may seek or hold nomination as, or become or run as, candidates in a municipal election only with the prior approval of their Deputy Head or Executive Council, as appropriate, who will consider the general principles of this Code when reviewing a request for approval.
- (2) Employees other than Senior Officials and those employees who occupy positions in the executive manager classes of the management compensation plan who run as candidates in a federal or provincial election shall take a leave of absence without pay, commencing on the day after the writ for the election is issued or on the day that the employee's candidacy is publicly announced, whichever is later.
- (3) Employees other than Senior Officials and those employees who occupy positions in the executive manager classes of the management compensation plan who are elected to federal or provincial office shall resign their employment effective on the day of the election.
- (4) Employees who seek election and are not elected are entitled to return to the same or similar employment, effective on the day after the election.
- (5) 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.