

ALBERTA HISTORICAL RESOURCES FOUNDATION

CODE OF CONDUCT

I. Preamble

The Code of Conduct (Code) for the *Alberta Historical Resources Foundation* (agency) applies to all its members and employees, as well as the Chair of the agency. The Code reflects a commitment to the agency's values and provides a framework to guide ethical conduct in a way that upholds the integrity and reputation of the agency. Members and employees 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 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 agency.

To demonstrate commitment to transparency and accountability, this Code is available to the public on the agency's website.

Definition of Key Terms

agency – refers to the Alberta Historical Resources Foundation

employees – individuals employed by the agency

members – refers to all members of the agency, including the Chair who is a senior official; also equivalent with the terms directors, Board of Directors or Board

Code Administrator – person responsible for administering the requirements of the Code; the Code Administrator is the Chair of the Alberta Historical Resources Foundation; the Code Administrator for the Chair is the Minister

Minister – refers to the Minister responsible for the *Historical Resources Act*

Deputy Minister – refers to the Deputy Minister of the ministry responsible for the *Historical Resources Act*

private interest – refers to interest that is unique to the member or employee, or his or her spouse or minor child, as opposed to an interest or matter that would apply to all members or employees, the agency or the agency's stakeholders; a private interest benefits or impacts the member or employee in a disproportionate or preferential way; do not include interests that are trivial, of general application, affect an individual as a member of a broader class, or concern an individual's remuneration and benefits within the agency.

personal gain - refers to benefits or advantage to the board member or employee, or his/her spouse or minor child, as opposed to the agency or the agency's stakeholders

II. Core Values

- a. Members and employees shall act with impartiality and integrity.
- b. Members and employees shall demonstrate respect and accountability.

III. Guiding Principles

These principles guide the behaviour and decisions of members and employees:

- a. The actions and decisions of members and employees are made to promote the public interest and to advance the mandate and long-term interests of the agency. Members acknowledge the requirement to devote sufficient time and attention to official duties and obligations to ensure informed and balanced decision-making.
- b. Members and employees are responsible stewards of public resources.
- c. To serve the public interest, members and employees have a responsibility to uphold the agency's mandate.
- d. Members and employees have a responsibility to act in good faith and to place the interests of the agency above their own private interests.
- e. Members and employees behave in a way that demonstrates that their behaviour and actions are fair and reasonable in the circumstance.
- f. Members and employees 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.
- g. When a member or employee, as an individual, is subject to more than one code of conduct, the member or employee must consider the expectations in all. Members and employees understand that this Code is not intended to conflict with other Codes of Conduct, and will discuss any potential conflicts with their supervisor or the Code Administrator. The Code will take precedence over other Codes of Conduct which the member or employee may be subject to.
- h. The Code applies to all members and employees including the Chair, unless a specific exemption is granted by the Code Administrator.
- i. Members and employees know that when they become aware of a real or apparent conflict of interest, they must at the first opportunity disclose this conflict to their supervisor or the Code Administrator.
- j. Members and employees understand that disclosure itself does not remove a conflict of interest.

- k. Members and employees encourage their colleagues to act fairly and ethically and know that they are able to raise concerns about a suspected breach by another to their supervisor or the Code Administrator without fear of reprisal.
- l. Members and employees know that breaches of this Code may result in disciplinary action, penalties and consequences up to and including removal of the member or termination of the employee.
- m. Members and employees know that if they have any questions about the Code, or are not sure how to apply these principles, they should consult with their supervisor or the Code Administrator.
- n. Each member and employee confirms on an annual basis their understanding of, and commitment to, the Code's expectations.

IV. Behavioural Standards

Behavioural standards help members and employees 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. All members and employees must adhere to the following standards:

- a. Members and employees must not engage in any criminal activity and must comply with all relevant laws, regulations, policies and procedures.
 - b. Members and employees must not use their status or position with the agency to influence or gain a benefit or advantage for themselves or other parties with a personal connection to the member or employee.
 - c. Member and employee conduct contributes to a safe and healthy workplace that is free from discrimination, harassment or violence.
 - d. Members and employees 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 agency.
 - e. Members and employees must act in a way that is consistent with the agency's protocols on public comment.
 - f. Members and employees must take reasonable steps to avoid situations where they may be placed in a real or apparent conflict between their private interests and the interests of the agency. In other words, actions or decisions that members and employees take on behalf of the agency must not provide them with an opportunity to further the private interests of themselves, their families, their business associates or others with whom they have a significant personal or business relationship.
1. Confidential Information
Members and employees must respect and protect confidential information, use it only for the work of the agency and do not use it for

personal gain. Members and employees must comply with protocols that guide the collection, storage, use, transmission and disclosure of information.

2. Gifts and Gratuities

Members and employees must not accept or receive fees, gifts or other benefits other than the normal exchange of hospitality between individuals doing business together, tokens exchanged as part of protocol or the normal presentation of gifts to people participating in public functions. The above-mentioned gifts and hospitality must be of small monetary value. The value of the gift should not exceed \$50 and must not include cash, cheques, gift cards or gift certificates. The total value of fees, gifts or other benefits received from the same source in any calendar year cannot exceed \$100.

3. Outside Activities

Members and employees must avoid participating in outside activities that conflict with the interests and work of the agency. Any activities that could be perceived to conflict with the interests and work of the agency must be disclosed. For example:

- i. **Business Interests:** Members and employees must not hold interests in a business directly or indirectly through a relative or friend that could benefit from, or influence, the decisions of the agency.
- ii. **Employment:** Members and employees must not take supplementary employments or appointments that affect their performance or impartiality with the agency. Prior to accepting any supplementary employment or appointment, members and employees must notify their Code Administrator in writing about the nature of such supplementary employment or appointment. The Code Administrator must review the proposed employment or appointment for real or apparent conflicts of interest. If there is no real or apparent conflict of interest, the Code Administrator must then, in writing, deny the employment or appointment or allow the employment or appointment and put procedures in place to manage the real or apparent conflict of interest. Members and employees must also disclose annually in writing any current concurrent employment or appointments.
- iii. **Political Activity:** Members and employees may participate in political activities including membership in a political party, supporting a candidate for elected office or seeking elected office. However, they must not participate directly in soliciting contributions for a political party. In addition, any political activity must be clearly separated from activities related to the work for the agency, must not be done while carrying out the work of the agency and must not make use of agency facilities, equipment or resources in support of these activities.

- iv. Volunteer Activity: If members and employees are involved in volunteer work, the activity must not influence or conflict with decisions relating to the agency.
- v. Participating in programs administered by the agency: Members and employees are restricted from submitting applications as individuals, to any of the agency's programs including the grants, heritage awards, heritage markers and geographical naming programs. If a member or employee is associated with an organization that is applying to any of the agency's programs, the member/employee must disclose this conflict of interest.

4. Pre-Separation

Members and employees considering a new offer of appointment or employment must be aware of and manage any potential conflicts of interest between their current position and their future circumstance, and must remove themselves from any decisions affecting their new appointment or employment.

5. Post-Separation

Once members and employees have left the agency, they must not disclose confidential information that they became aware of during their time with the agency and must not use their contacts with their former colleagues to gain an unfair advantage for their current circumstance.

Former members and employees may not apply to or participate in any of the agency's programs (for example, may not apply for a grant) or accept contracts or employment from the agency for 12 months after the termination of their appointment/employment.

6. Property

Members and employees may have limited use of the agency's premises, supplies and equipment for authorized incidental purposes providing such use involves minimal additional expense to the agency, must not be performed on the member or employee's work time, must not interfere with the mission of the agency and must not support their private interests.

Any trade knowledge, intellectual property and other proprietary information developed by a member or employee for the agency is the property of the agency. The member or employee shall not use any trade knowledge, intellectual property and other proprietary information to serve his/her private interest.

7. Related Persons or Parties

Members and employees must avoid dealing with those in which the relationship between them might bring into question the impartiality of the member or employee.

V. Provisions for the Chair as Senior Official

The Chair who is the senior official of the agency is subject to the following provisions. These provisions will be applied immediately.

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

VI. Administrative Processes

Administrative processes help members and employees manage ethical dilemmas, including any real or apparent conflict of interest concerns.

a. Administration

The Code Administrator is the Chair of the Alberta Historical Resources Foundation. The Code Administrator for the Chair is the Minister.

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

b. Disclosure of Real or Apparent Conflicts of Interest

It is the responsibility of each member and employee to declare annually in writing to the Code Administrator those private interests and relationships that they think could be seen to impact the decisions or actions they take on behalf of the agency. This includes disclosing other appointments and employment currently in place.

Members and employees disclose these real or apparent conflicts of interest so that the Code Administrator is aware of situations that could be seen as influencing the decisions or actions they are making on behalf of the agency.

When there is a change in their responsibilities within the agency or in their personal circumstance, members and employees shall disclose immediately in writing any relevant new or additional information about those interests.

If a member or employee is charged with a criminal offence the member or employee shall immediately report the charge to the Code Administrator.

Where an investment or private asset of a member or employee or the member or employee's spouse or family member appears to be affected by the actions taken or decisions made in which the employee/member participates in the course of their appointment/employment, the member/employee shall disclose the investment or private asset to the Code Administrator.

c. Reviewing Conflict of Interest

The Code Administrator will review the disclosure and will determine if the member has created a real or perceived conflict of interest that impacts the agency's interests and/or adversely affects his/her ability to continue to perform his/her duties.

The Code Administrator reviews the disclosure and approves the member's disclosure including other appointments or employment and includes conditions that any real or apparent conflict of interest should be actively managed. The Code Administrator will notify the member or employee in writing regarding the results of the review, which includes approval, if applicable.

In the case of the Chair, the Ethics Commissioner reviews the disclosure and approves the Chair's disclosure including other appointments or employment and includes conditions that any real or apparent conflict of interest should be actively managed.

d. Managing Conflict of Interest

Where a real or apparent conflict of interest cannot be avoided, members and employees must take the appropriate steps to manage the conflict. To actively manage a conflict of interest, options include:

- removing themselves from matters in which the conflict exists or is perceived to exist;
- giving up the particular private interest causing the conflict; and,
- in rare circumstances, resigning their position with the agency.

In the case of members/employees who are associated with an organization that is applying to a program administered by the agency, the member/employee must disclose the conflict of interest and is completely restricted from participating in the decision-making process.

In the case of conflicts of interest arising from investments or private assets of a member or employee, the Code Administrator shall determine the method of resolution. Options for resolution include requiring the use of a

blind trust or divestment of the asset. In the case of employees, actions may range from transferring the employee to termination of employment.

e. Reporting a Potential Breach by Another

Members and employees are encouraged to report in writing a potential breach of this Code by another to their supervisor for employees or the Code Administrator for members and employees. When reporting a potential breach in good faith and with reasonable grounds, members and employees are protected from retaliation for such reporting.

f. Responding to Potential Breach

Once a potential breach has been reported, the agency's procedures for responding to and managing a potential breach will be promptly initiated. The Code Administrator will review the circumstance and details of the potential breach and will notify the alleged member or employee. The alleged member or employee has the right to complete information and the right to respond fully to the potential breach. Anonymity will not be granted when a complaint is filed as the respondent has the right to know and respond to allegations made. That said, efforts will be made to protect the confidentiality and respect the privacy of all those involved.

Anonymous complaints will not be processed.

The Code Administrator makes a decision and completes a report of the review in a timely manner. The decision may range from finding no potential breach to one that reveals suspected criminal conduct.

g. Consequences of a Breach

Members and employees who do not comply with the standards of behaviour identified in 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 removal of the member or termination of the employee. Disciplinary action associated with a breach may be mitigated by voluntary disclosure of the breach.

h. Review of a Decision

Members and employees can request in writing that the Deputy Minister review a decision that has been made by the Code Administrator about a real or apparent breach of the Code, including a conflict of interest involving that member or employee.

i. Record of Breach or Potential Breach

All copies of written complaints, findings, warnings, reprimands or notices of disciplinary action regarding a breach of the code will be added to the individual's file following standard recording and filing procedures.

VII. Other Resources

a. Where to Get Advice

When members and employees require advice and guidance in determining whether misconduct or a conflict exists, or need clarification, they may discuss their issue with the Code Administrator.

The Chair may request that the Deputy Minister give advice on whether a proposed activity by the Chair would be a breach of the Foundation's Code of Conduct.

b. Questions to Consider

When members and employees are faced with a difficult situation, the following questions may help them decide the right course of action:

- Have I reflected on or consulted with my supervisor or the Code Administrator about whether I am compromising the Code's values, principles or behavioural standards?
- Have I considered the issue from a legal perspective?
- Have I investigated whether my behaviour aligns with a policy or procedure of the agency?
- Could my private interests or relationships be viewed as impairing my objectivity?
- Could my decision or action be viewed as resulting in personal gain, financial or otherwise?
- Could my decisions or actions be perceived as granting or receiving preferential treatment?

VIII. Affirmation and Period of Notice

The Code of Conduct for *Alberta Historical Resources Foundation* was introduced and approved by the board on August 24, 2018. The Code is reaffirmed annually by the Board at the Fall board meeting to ensure it remains current and relevant. Each member and employee is required to affirm and reaffirm annually in writing their understanding of, commitment to and compliance with the code. Members and employees will submit the written affirmation to the Code Administrator, after the Fall meeting, by the date set by the Code Administrator.

This Code became public on August 28, 2018 and comes into force 10 days after this date.