

ALBERTA TRANSPORTATION SAFETY BOARD

BOARD MEMBER CODE OF CONDUCT

1. Application of the Board Code of Conduct

- 1.1 The Board Member Code of Conduct for the Alberta Transportation Safety Board applies to all Board members, including the Chair of the Alberta Transportation Safety Board. As employees of the Government of Alberta, the Board Chair and Board staff must adhere to the Code of Conduct and Ethics for the Public Service of Alberta.

2. Board Member Responsibility

Board members of the Alberta Transportation Safety Board (the Board) are guided by the following Board Member Code of Conduct and shall:

- (a) behave in a manner that maintains the good reputation of the Board and its ability to serve the public's interest;
- (b) act in accordance with the board's mandate and applicable legislation;
- (c) behave in a professional, ethical and responsible manner;
- (d) act impartially when carrying out their duties;
- (e) conduct hearings and make decisions based on the principles of fairness and natural justice;
- (f) hold confidential all information and materials addressed when carrying out their duties;
- (g) not speak publicly on behalf of the Board or publicly share any personal opinions about the Board prior to consulting the Board Chair;
- (h) endeavour to avoid situations that create a conflict of interest; and
- (i) not act in self-interest or to further their private interests when carrying out their duties.

Board members shall immediately disclose to the Board Chair any situation in which an actual or perceived breach of the Board Member Code of Conduct, including a conflict of interest, exists. Disclosure itself does not remove a conflict of interest.

Those Board members reporting an alleged breach by another in good faith and with reasonable grounds shall be protected from retaliation for such reporting.

3. Workplace Harassment

- 3.1 Board members shall refrain from exhibiting behaviour constituting workplace harassment, which may include:
- (a) Making remarks, jokes or innuendos that demean, ridicule, intimidate or offend;
 - (b) Displaying or circulating offensive pictures or materials in print or electronic form;
 - (c) Bullying;
 - (d) Repeated offensive or intimidating phone calls or e-mails; or
 - (e) Workplace sexual harassment.

4. Acceptance of Gifts

- 4.1 Board members shall not accept a fee, gift or other benefit in connection with the performance of their duties from any individuals, organizations or corporations. This applies directly or indirectly regardless of the dollar value.
- 4.2 Exceptions to the rule in 4.1 are gifts received from:
- (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; and
 - (d) The normal presentation of gifts to persons participating in public functions.
- 4.3 Approval to accept a gift may also be obtained from the Board Chair. Conditionals for approval may be prescribed.
- 4.4 Acceptance of all gifts, regardless of value, should be reviewed to consider whether a gift is being offered by someone whose interests could be affected by a decision the Board member could be called upon to make and whether accepting a gift from a particular donor would or would appear to place the Board member under an obligation.
- 4.5 If the value of the gift exceeds \$100 as a one-time gift, or the cumulative value of gifts from a single source within one calendar year exceeds \$100, approval by the Board Chair is required, and the Board Chair must be satisfied that there is no reasonable possibility that retention of the gift or gifts would create a conflict between a private interest and the duty of the Board member.

5. Outside Employment - Community Board Members

- 5.1 Board members may take employment, including self-employment, unless such employment:
- (a) causes an actual or apparent conflict of interest (such as active practicing criminal defence lawyers, active practicing Crown prosecutors, active law enforcement officers, etc...), 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.
- 5.2 Board Members shall not accept or participate in any employment or appointment in addition to their appointment to the Board that affects their performance or impartiality. Before accepting or engaging in any employment or appointment, a Board Member shall notify the Board Chair in writing about the nature of the employment or appointment. The Board Chair will then review the employment or appointment for conflicts of interest.
- 5.3 Board members shall not accept additional compensation for duties which they perform in the course of their public service with the Board.
- 5.4 Board members shall not allow the performance of their duties to be influenced by offers of future employment or the anticipation of offers of employment.

6. Outside Employment/Appointment and/or Volunteer Activities - Board Chair

- 6.1 In addition to the section 1.1, the Board Chair shall not accept any supplementary employment or appointment, or participate in volunteer activities in addition to their employment with the Board that affects their performance or impartiality. Before accepting or engaging in any supplementary employment, appointment or volunteer activities, the Board Chair shall notify the Minister in writing about the nature of the employment, appointment or volunteer activities. The Minister will then review the employment, appointment or volunteer activities for real or apparent conflicts of interest to determine whether it is appropriate to accept or maintain the employment, appointment or volunteer activities.

7. Outside Volunteer Activities

- 7.1 Board Members may participate in volunteer activities. However, the restrictions as listed in sections 5.1 and 5.2 also apply to volunteer activity. Board members who are actively associated on a volunteer basis with any organization shall disclose to the Board Chair their interest in such an organization.

8. **Political Activity**

8.1 There is no restriction upon participation in political activity by Board members except that:

- (a) They must not participate directly in soliciting contributions.
- (b) Board members who run as candidates in a provincial or federal election must take a leave of absence from the Board commencing on the day after the writ for election is issued or on the day that their candidacy is publically announced, whichever is later. The restriction of soliciting contributions shall not apply to such Board members once the leave of absence commences.

8.2 Board members who are elected to federal, provincial, or municipal office shall resign their appointment effective the day after the election.

8.3 Board members who seek election and are not elected are entitled to resume their duties as Board members with the Board effective the day after the election.

9. **Additional Restrictions on the Board Chair**

9.1 Subject to s. 23.925 of the *Conflicts of Interest Act*, the Chair is subject to additional restrictions.

- (a) The Chair must not take part in a decision in the same course of carrying out his/her office or powers knowing that the decision might further a private interest of the Chair, a person directly associated with the Chair, or the Chair's minor or adult child;
- (b) The Chair must not use his/her office or powers of influence or seek to influence a decision made by or on behalf of a Crown or public agency to further a private interest of the Chair, a person directly associated with the Chair, or to improperly further any other person's private interests;
- (c) 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 further or seek to further a private interest of the Chair or any other person's private interests; and
- (d) The Chair must appropriately and adequately disclose a real or apparent conflict of interest.

10. **Administration of the Board Code of Conduct**

10.1 The Minister of Transportation and the Chair of the Alberta Transportation Safety Board are responsible for setting the standards of business conduct of the Board and for updating these standards to reflect changes in Board operations.

10.2 The Code Administrator for the Alberta Transportation Safety Board shall be the Chair of the Alberta Transportation Safety Board.

- 10.3 Once an alleged breach has been reported, the Board Chair is responsible for investigating the alleged breach and may request the Board member who is alleged to have breached the Code withdraw from the activity associated with the breach, and shall:
- (a) provide the Board Member who is alleged to have breached the Code notice of the allegations in writing;
 - (b) provide an opportunity for the Board Member who is alleged to have breached the Code to respond to the allegations in writing;
 - (c) discuss the complaint and the results of the investigation with any individual or individuals identified in the complaint, and may consult with independent Alberta Transportation Safety Board Members;
 - (d) while assessing the merits of the complaint or a suggestion for improved process, the Board chair shall consider the governing legislation, the Alberta Transportation Safety Board, Board Member Code of Conduct, and any applicable Alberta Transportation Safety Board policy and/or procedure;
 - (e) at the conclusion of the investigation, decide on an appropriate course of action with respect to the complaint or suggestion; and
 - (f) report in writing within 30 days, the outcome of the investigation and related decision, or the status of the investigation should the investigation require further study, to the person making the complaint and the Alberta Transportation Safety Board Member or Members against whom the charge was made.
- 10.4 This Board Member Code of Conduct for the Alberta Transportation Safety Board was introduced on August 1, 2018, and replaces any previous Board Member Code of Conduct for the Alberta Transportation Safety Board. It will be reviewed every 36 months by the Board Chair.
- 10.5 Any changes to this document will be given to the Ethics Commissioner for review and approval. Once they are approved, changes to the Code will be made public for 30 days before becoming effective.
- 10.6 On their appointment and reappointment to the Alberta Transportation Safety Board, each Board member must read and become familiar with the Board Member Code of Conduct which guides their activities while a member of the Board and affirm in writing their compliance with the code. Compliance with the Code must be reaffirmed annually.

11. **Review of a Decision**

- 11.1 Board members can request in writing to the Minister of Transportation for the Province of Alberta that a decision of the Board Chair relating to an alleged breach of the Board Member Code of Conduct, be reviewed by an independent party appointed by the Minister of Transportation for the Province of Alberta.

12. **Penalties and Consequences**

- 12.1 Breaches of the code of conduct may result in disciplinary action up to and including removal of the Board member from the Alberta Transportation Safety Board.

ALBERTA TRANSPORTATION SAFETY BOARD
BOARD MEMBER CODE OF CONDUCT DECLARATION

This declaration is to be completed by each Alberta Transportation Safety Board member, at the time they are appointed or reappointed to the Alberta Transportation Safety Board through Order in Council.

I, _____, have read the Alberta Transportation Safety Board, Board Member Code of Conduct and agree to be bound by the principles and requirements contained in this code.

I acknowledge that I am required by the aforementioned code to disclose to the Chair of the Alberta Transportation Safety Board or designate any criminal charges brought against me or other situation that arises which may be a real or apparent conflict of interest with my service as a Board member of the Alberta Transportation Safety Board.

Board Member Signature

Date