

Provincial Court Nominating Committee

CODE OF CONDUCT

I. Preamble

The Code of Conduct (Code) for the Provincial Court Nominating Committee (the “Committee”) applies to all members, including the Chair. The Code reflects a commitment to the Committee’s values and provides a framework to guide ethical conduct in a way that upholds the integrity and reputation of the Committee. Members 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 Committee.

To demonstrate commitment to transparency and accountability, this Code is available to the public on the Alberta Justice and Solicitor General’s website as well as on the Public Agency Secretariat website.

Committee members who are employees of the Government of Alberta are also subject to the Code of Conduct and Ethics for the Public Service.

II. Core Values

- a. Members act with impartiality and integrity.
- b. Members demonstrate respect, excellence and accountability.
- c. Members’ actions are free from bias and prejudice treating all individuals equitably.

III. Guiding Principles

These principles guide the behaviour and decisions of members:

- a. The actions and decisions of members are made to promote the public interest and to advance the mandate and long-term interests of the Committee. Committee members must devote the necessary time and attention to their duties to ensure informed and fair decision making.
- b. Members are responsible stewards of public resources.
- c. To serve the public interest, members have a responsibility to uphold the Committee’s mandate. This has been agreed upon in the Mandate and Roles document, an agreement between the Committee and the Minister of Justice and Solicitor General.

- d. Members have a responsibility to act in good faith and to place the interests of the Committee above their own private interests.
- e. Members behave in a way that demonstrates that their behaviour and actions are fair and reasonable in the circumstance.
- f. 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.
- g. 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 with the Code Administrator.. The Code Administrator is the Chair of the Committee.
- h. The Code applies to all members unless a specific exemption is granted by the Code Administrator.
- i. Members know that when they become aware of a real or apparent conflict of interest, they must at the first opportunity disclose this conflict to the Code Administrator.
- j. Members understand that disclosure itself does not remove a conflict of interest.
- k. Members encourage their colleagues to act fairly and ethically and know that they are able to raise concerns about a suspected breach by another to the Code Administrator without fear of reprisal.
- l. Members know that breaches of this Code may result in disciplinary action, up to and including removal of the member from the Committee.
- m. Members know that if they have any questions about the Code, or are not sure how to apply these principles, they should consult with the Code Administrator.
- n. Each member confirms upon appointment their understanding of, and commitment to, the Code's expectations.
- o. It is the responsibility of members of the Committee to review and affirm their obligations under this code annually.

IV. 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. All members must adhere to the following standards:

- a. Members must not engage in any criminal activity and comply with all relevant laws, regulations, policies and procedures. If a member is charged

with an offence under a statute of Canada the member shall immediately report the charge to the Code Administrator. If the Chair is charged, they must immediately report the charge to the Deputy Minister or the Ethics Commissioner.

- b. Members must not use their status or position with the Committee to influence or gain a benefit or advantage for themselves, their families, their business associates or others with whom they have a significant personal or business relationship. Members must not be influenced in their Committee work by anticipated or existing offers of future employment or appointment.
- c. The Chair must not engage in any conduct that might further her/ his private interests or those of the Chair's family or associates or partners. The Chair must not use the position to influence decisions by others that might further such private interests or use information gained in the capacity as Chair to seek to further such private interests.
- d. Members conduct contributes to a safe and healthy workplace that is free from discrimination, harassment or violence.
- e. 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 agency.
- f. Members must not comment publicly about the Committee or its work. Members must promptly notify the Chair of any media requests for comment and the Chair will deal with them.
- g. Members 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 Committee. In other words, actions or decisions that members take on behalf of the Committee 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 must respect and protect confidential information, use it only for the work of the Committee and not use it for personal gain. Members must comply with protocols that guide the collection, storage, use, transmission and disclosure of information.
 - 2. Gifts and Gratuities
Members must not accept or receive gifts, gratuities, hospitality or other benefits in connection with their committee work other than Government paid or re-imbursed expenses. This does not apply to the normal exchange of gifts between friends or business colleagues, tokens exchanged as part of protocol or the normal presentation of gifts to people participating in public functions. The value of these gifts may not exceed \$100 per year from one source.

3. Outside Activities

Members must avoid participating in outside activities that conflict with the interests and work of the Committee. For example:

- i. **Business Interests:** Members 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 Committee.
- ii. **Employment:** All members must advise the Chair of their employment. If the Chair has concerns that a member's employment might reasonably affect their performance or impartiality with the Committee, the Chair will discuss the issue with the member and advise the Minister if any action need be taken.
- iii. **Political Activity:** Members may participate in political activities including holding membership in a political party, supporting a candidate for elected office or seeking elected office. However, they must not use their position with the Committee to seek contributions for a political party or activity from current or future clients or entities doing business with the Committee. In addition, any political activity must be clearly separated from activities related to the work for the Committee, must not be done while carrying out the work of the Committee and must not make use of Committee facilities, equipment or resources in support of these activities. If a member is planning to seek an elected municipal, provincial or federal office, they must disclose their intention in writing as soon as possible to the Code Administrator for guidance relating to their duties with the Committee.
- iv. **Volunteer Activity:** If members are involved in volunteer work, the activity must not influence or conflict with decisions relating to the Committee. Prior to accepting a volunteer position where a conflict of interest might arise, board members are required to notify the Code Administrator in writing, or in the case of the Chair, they are required to notify the Deputy Minister or Ethics Commissioner.

4. Pre-Separation

Members considering a new offer of appointment 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.

5. Post-Separation

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

Lawyer members must wait two years following the conclusion of their term on the Committee prior to expressing an interest in serving as a judge of the Provincial Court.

6. Related Persons or Parties
Members must avoid dealing with those in which the relationship between them might bring into question the impartiality of the member.

V. **Administrative Processes**

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

a. Administration

The Code Administrator for members is the Chair.

If the Chair requires advice and guidance in determining whether misconduct or a conflict exists, or needs clarification, they may discuss their issue with the Deputy Minister or the Ethics Commissioner.

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 concerns and complaints concerning potential breaches of the Code, including conflicts of interest within the Committee. Even though the Committee may have a delegated process for responding to and managing concerns, the Code Administrator is responsible for ensuring procedural fairness.

In the event a potential conflict or breach by the Chair is reported by a member, an internal committee comprised of two members appointed by the Committee will act as Code Administrator for the Chair. Neither member of the internal committee will be the member who made the allegation. The internal committee will review the allegation involving the Chair. The Code Administrator for this purpose (Internal Committee) may ask the Deputy Minister or Ethics Commissioner to conduct an investigation and provide a ruling.

b. Disclosure

It is the responsibility of each member to declare 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 Committee. When there is a change in their responsibilities within the Committee or in their personal circumstance, members shall disclose in writing any relevant new or additional information about those interests as soon as possible. Where a real or apparent conflict of interest cannot be avoided, members must take the appropriate steps to manage the conflict.

Members 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. This provides members, following a review by the Code Administrator, an opportunity to take action to minimize or remove 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 Committee.
- c. Reporting a Potential Breach by Another
Members are encouraged to report in writing a potential breach of this Code by another to the Code Administrator. When reporting a potential breach in good faith and with reasonable grounds, members are protected from retaliation for such reporting.
- d. Responding to Potential Breach
The Code Administrator will promptly review the circumstance and details of the potential breach and will notify the alleged member. The alleged member has the right to complete information about the allegation and the right to respond fully to the potential breach. However, the identity of the reporter will not be disclosed unless required by law or in a legal proceeding. The Code Administrator makes a decision and completes a report in a timely manner. The decision may range from finding no potential breach to one that reveals suspected criminal conduct.
- e. Consequences of a Breach
Members 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 from the Committee.
- f. Review of a Decision
Members can request in writing that the Deputy Minister or the Ethics Commissioner review a decision that has been made by the Code Administrator about a real or perceived breach of the Code, including a conflict of interest involving that member.
- g. Unresolved Conflict
If there is no resolution, the matter will be elevated to the Deputy Minister with a notification to the Minister or to the Ethics Commissioner.

VI. Other Resources

- a. Where to Get Advice
When members require advice and guidance in determining whether misconduct or a conflict exists, or need clarification, they may discuss their issue with the Code Administrator (Chair). When the Chair requires advice and guidance they may discuss their issue with the Deputy Minister or the Ethics Commissioner.

b. Questions to Consider

When members 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 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 Committee?
- Could my private interests or relationships be viewed as impairing my objectivity?
- Could my decisions or actions be viewed as resulting in personal gain, financial or otherwise?
- Could my decisions or actions be perceived as granting or receiving preferential treatment?

VII. Affirmation

The Code of Conduct for the Provincial Court Nominating Committee was introduced on June 2016 and amended in April 2018. This Code of Conduct will come into force 30 days after it is made public and in any event no later than June 1, 2018. It will be affirmed by Committee members upon their appointment or reappointment, and reaffirmed annually by the Committee to ensure it remains current and relevant.