

Alberta Agricultural Products Marketing Council

CODE OF CONDUCT

I. Preamble

The Code of Conduct (Code) for the Agricultural Products Marketing Council (Council) applies to all members. The Code reflects a commitment to Council's values and provides a framework to guide ethical conduct in a way that upholds the integrity and reputation of Council. 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, exercise care and diligence in the course of their work with Council.

To demonstrate commitment to transparency and accountability, this Code is available to the public on the Alberta Government website. The Code that will be posted is the previous version, which is binding in the interim until the revised Code is approved and published by the Ethics Commissioner. The published Code will then be in effect 60 calendar days after the approval by the Ethics Commissioner, agreed to, and signed by Council members.

II. Definitions

- "Council" is the term used to identify the Council members as a whole.
- "Member" or "Members" means the Member or Members of Council;
- "Code Administrator" means the Chair of Council.
- "Department Representative" is the term used to identify the ministry staff that have been appointed to Council.
- "Private Interest or Interests" does not include an interest in a matter where that interest is trivial or is an interest of an individual relating to publicly-traded securities held in that individual's blind trust or in an investment arrangement.
- "Senior Official" means a person appointed to the position of chair of the board of directors, or the highest-ranking position on a governing body of the public agency but does not include an employee of a department.
- "The Act" is the term used to identify the *Conflicts of Interest Act*.
- "Office of the Legislature" means the Legislative Assembly Office, the Office of the Auditor General, the Office of the Ombudsman, the Office of the Chief Electoral Officer, the Office of the Ethics Commissioner, the Office of the Information and Privacy Commissioner, the Office of the Child and Youth Advocate, and the Office of the Public Interest Commissioner.

III. Core Values

1. Members shall act with impartiality and integrity.
2. Members shall demonstrate respect and accountability.
3. Members do not create any apprehension of conflict between their private interests and duty of impartiality to the public.

IV. Guiding Principles

These principles guide the behaviour and decisions of members:

1. Members and the Chair shall conduct themselves impartially in carrying out their duties. This means, without restricting the previous statement:
 - a. The actions and decisions of members are made to promote the public interest and to advance the mandate and long-term interests of Council.
 - b. Members are responsible stewards of public resources.
 - c. To serve the public interest, members have a responsibility to uphold Council's mandate.
 - d. Members have a responsibility to act in good faith and to place the interests of Council 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.
 - h. The Code applies to all members unless a specific exemption is granted by the Code Administrator.
 - i. Members have an obligation to disclose all real or apparent conflicts of interest. Members must at the first opportunity make full, written disclosure of any potential, perceived or real conflicts in interest 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.
 - 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 shall confirm on an annual basis their understanding of, and commitment to the Code. This includes a signed acknowledgment to abide by the Code.

Application of Code

- This Code applies to all members and the Senior Official as defined above.
- Conflicts between the private interests of the members and Senior Officials 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. Members are expected to recuse themselves if a conflict of interest arises in carrying out their statutory obligations.

V. 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. To ensure members are fulfilling their required duties as well as upholding the Council's public reputation, all members must adhere to the following standards:

1. Members must not engage in any criminal activity and comply with all relevant laws, regulations, policies and procedures.
2. Members must not use their status or position with the Council 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.
3. Member conduct contributes to a safe and healthy workplace that is free from discrimination, harassment or violence.
4. 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.
5. Members must act in a way that is consistent with the Council's protocols on public comment.
6. Members must not act in self-interest or further their private interests by virtue of their positions as a member, or through the carrying out of their duties as a member. 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 Council. In other words, actions or decisions that members take on behalf of Council 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.

a. Confidential Information

Members must respect and protect confidential information, use it only for the work of Council, not for personal gain or disclose it; except as necessary to perform their duties, and as required by law. Members must

comply with protocols and applicable laws that guide the collection, storage, use, transmission and disclosure of information.

b. Gifts and Gratuities

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

- the normal exchange of gifts between persons doing business together;
- tokens exchanged as part of protocol; or,
- the normal presentation of gifts to people participating in public functions, awards, speeches, lectures or seminars.

In the event a gift is received it must not exceed a total value of \$50 and must not include cash, cheques, gift cards, or gifts that are easily converted to cash. The total value of gifts received from a single source in any calendar year may not exceed \$50. Members are required, bi-annually, to disclose any gifts and their total associated value to the Code Administrator.

c. Outside Activities

Members must avoid participating in outside activities that conflict with the interests and work of Council. 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 Council.
- ii. **Employment:** Members must not take or hold employment that affects their performance or impartiality with Council. Before accepting or engaging in such employment, members must notify the Code Administrator in writing about the nature of the employment. The Code Administrator will then review the employment for conflicts of interest.
- iii. **Political Activity:** Members 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 Council, must not be done while carrying out the work of the Council and must not make use of Council 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 Council. If a member is elected to the legislature or parliament of Canada, the member must resign.
- iv. **Volunteer Activity:** If members are involved in volunteer work, the activity must not influence or conflict with decisions relating to Council.

Any outside activities, if considered to have potential conflict with the interests and work of Council, will be reviewed and approved in writing by the Code Administrator.

d. 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 or employment.

e. Post-Separation

Once a member has left the Council, they must not disclose confidential information of which they became aware of during their time with the Council and must not use their contacts with their former colleagues to gain an unfair advantage for their current circumstance.

All members agree to return or destroy hard copy information, data and electronic files received during the course of their tenure with Council.

f. Property

Members may have limited use of the Council's premises and equipment for authorized incidental purposes providing such use involves minimal additional expense to the Council, must not be performed on the member's work time, must not interfere with the mission of the Council and must not support a personal, private business.

g. Dealings with Related Persons or Parties

Members must disqualify themselves from activities with others if the relationship between them might bring their impartiality into question. Members must disclose to the Chair all situations that may be or may appear to be conflicts of interest under this section.

h. Senior Official's Obligations and Restrictions

Prohibition from furthering private interests and restrictions on using influence and insider information (s.23.922(2)(b) *Conflicts of Interest Act*).

- i. A Senior Official must not take part in a decision in the course of carrying out his or her office or powers knowing that the decision might further a private interest of the Senior Official, a person directly associated with the Senior Official, or the Senior Official's minor or adult child;
- ii. A Senior Official must not use his or her office or powers to influence or seek to influence a decision to be made by or on behalf of the Crown or a public agency to further a private interest of the Senior Official, a person directly associated with the Senior Official or to improperly further any other person's Private Interest; A Senior Official breaches this Part if the Senior Official fails to appropriately or adequately disclose a real or apparent conflict of interest;

- iii. A Senior Official must not use or communicate information not available to the general public that was gained by the Senior Official in the course of carrying out his or her office or powers to further or seek to further a private interest of the Senior Official or any other person's private interest; and
- iv. A Senior Official must appropriately and adequately disclose a real or apparent conflict of interest.
- v. The following individuals and/or positions of the Council must not be involved in any appointment, business, undertaking or employment (including self-employment) other than the appointment, business, undertaking or employment that is subject to the *Conflicts of Interest Act*, unless they receive written approval from the Ethics Commissioner to do so and comply with any conditions that the Ethics Commissioner has included in the approval.
 - (1) Chief Executive Officers/General Managers/Managing Directors;
 - (2) Chairs whose positions have been designated by order of the Lieutenant Governor in Council, and
 - (3) Persons holding positions identified by Order of the Lieutenant Governor in Council as Senior Official position(s) and designated as designated Senior Official(s) by Order of the Lieutenant Governor in Council.
- vi. For a period of 12 months from the last day he or she held the position of a former Senior Official, the former Senior Official shall not:
 - lobby, as defined in the *Lobbyists Act*, any public office holder, as defined in the *Lobbyists Act*, or
 - act on a commercial basis or make representations on their own behalf or the behalf of any other person, regarding any ongoing matter in connection with which, while in their position with the Council, directly acted for or advised a department or public agency involved in the matter.
- vii. For a period of 12 months from the last day he or she had a direct and significant official dealing with a department or public agency, the former Senior Official shall not:
 - make representations with respect to a contract with or benefit from the Council, or
 - solicit or accept on his or her own behalf a contract or benefit from the Council.
- viii. For a period of 12 months from the last day he or she had a direct and significant official dealing on behalf of the Council with an individual, organization, board of directors, or equivalent body of an organization, the former Senior Official shall not accept employment with that individual or organization or an appointment to the board of directors or equivalent body.

VI. Administrative Processes

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

1. Administration

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 Council. Even though an agency may have a delegated process for responding to and managing concerns, the Code Administrator is responsible for ensuring procedural fairness.

The Code Administrator for members is the Chair of Council. If the Chair requires advice and guidance in determining whether misconduct or a conflict exists, or need clarification, they may consult the issue with the General Manager of Council, Ethics Commissioner, Minister of Agriculture and Irrigation (AGI), or Deputy Minister of AGI.

The Code Administrator for the Chair is the Deputy Minister of AGI, who receives disclosures from the Chair and responds to allegation if the Chair has breached this Code.

Government of Alberta employees, including the General Manager, who support Council, are subject to the Code of Conduct and Ethics for the Public Service of Alberta.

2. Disclosure

It is the responsibility of each member to declare in writing to the Code Administrator any private interests and relationships that they think could be seen to impact the decisions or actions they take on behalf of Council. When there is a change in their responsibilities within Council 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 Council. 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 Council.

3. Reporting a Potential Breach by Another

Members are encouraged to report in writing a potential breach of this Code by another member to the Code Administrator. When reporting a potential breach in good faith and with reasonable grounds, members are protected from retaliation for such reporting. Anonymous complaints will be received via written submission through hard-copy, email or mail and be addressed to the Code Administrator.

4. Responding to a Potential Breach

Once a potential breach has been reported, Council'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. The alleged member has the right to complete information and the right to respond fully to the potential breach. The identity of the reporter will not be disclosed unless required by law or in a legal proceeding. The Code Administrator makes the final internal 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.

5. 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 Council.

6. Review of a Decision

A member can request in writing that the Deputy Minister of AGI review the decision that has been made by the Code Administrator that they have breached the Council's Code of Conduct.

VII. 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 or the Office of 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:

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

VIII. Coming into Force

Following approval by the Ethics Commissioner, this Code shall come into force 60 calendar days from the date the Code is made public and once in force replace any previous Code of Council.

IX. Affirmation

The Code of Conduct was reviewed on October 23, 2024 and is reaffirmed annually by the members to ensure it remains current and relevant.