

# Alberta Agricultural Products Marketing Council

## CODE OF CONDUCT

### I. Preamble

The Code of Conduct (Code) applies to the Members of the Alberta Agricultural Products Marketing Council (Marketing Council). 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 the Marketing 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 the Marketing Council.

To demonstrate commitment to transparency and accountability, this Code is available to the public on Marketing Council's 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 one month after the approval by the Ethics Commissioner, agreed to, and signed by Marketing Council members.

### II. Definitions

- "Code Administrator" means the Managing Director (General Manager of Marketing Council) who may receive direction from the Deputy Minister of Agriculture and Irrigation. The Ethics Commissioner may also provide advice to the Managing Director or Deputy Minister.
- "Department Representative" is the term used to identify the ministry staff that have been appointed to Marketing Council.
- "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.
- "Marketing Council" is the term used to identify the Marketing Council members as a whole.
- "Member or Members" means the member or members of Marketing 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*.

### **III. Core Values**

1. Members shall act with impartiality and integrity.
2. Members demonstrate respect and accountability.
3. Members do not create any apprehension of conflict between their private interests and duty 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 Marketing Council.
  - b) Members are responsible stewards of public resources.
  - c) To serve the public interest, Members have a responsibility to uphold Marketing Council's mandate.
  - d) Members have a responsibility to act in good faith and to place the interests of Marketing 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 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.
- 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 on an annual basis their understanding of, and commitment to, the Code's expectations.

### **Application of Code**

- i. This Code applies to all Members and the Senior Official.
- ii. 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 Marketing 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 Marketing Council to influence or gain a benefit or advantage for themselves or others
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 Marketing Council.
5. Members must act in a way that is consistent with the Marketing Council's protocols on public comment.

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 Marketing Council. In other words, actions or decisions that Members take on behalf of Marketing 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 Marketing 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 should not accept or receive gifts and gratuities other than 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. 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 Marketing 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 Marketing Council.
- ii. **Employment:** Members must not take or hold employment that affects their performance or impartiality with Marketing Council. Before accepting or engaging in any other 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 Marketing Council, must not be done while carrying out the work of the Marketing Council and must not make use of Marketing 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 Marketing 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 Marketing Council.

**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.

**e. Post-Separation**

Once Members have left the Marketing Council, they must not disclose confidential information that they became aware of during their time with the Marketing 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 Marketing Council's premises and equipment for authorized incidental purposes providing such use involves minimal additional expense to the Marketing Council, must not be performed on the Member's work time, must not interfere with the mission of the Marketing Council and must not support a personal, private business.

**g. 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.

**h. Additional requirements for Senior Officials**

- i. A Senior Official must not take part in a decision in the course of carrying out his/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/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/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. It's a requirement that: (1) CEOs, (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 positions and designated as designated Senior Officials by order of the Lieutenant Governor in 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 received written approval from the Ethics Commissioner to do so and comply with any conditions that the Ethics Commissioner has included in the approval.

## **VI. Administrative Processes**

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

### **1. Administration**

The Code Administrator for Marketing Council members is the Managing Director. The Managing Director may receive advice from the Deputy Minister. The Ethics Commissioner provides advice to the Managing Director and Deputy Minister about whether a proposed activity by any Marketing Council member would be a breach of this Code; and responds to an allegation that any Marketing Council member has breached this Code.

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 Marketing 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.

Government of Alberta employees, including the General Manager, who support Marketing 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 those private interests and relationships that they think could be seen to impact the decisions or actions they take on behalf of Marketing Council. When there is a change in their responsibilities within Marketing 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 Marketing 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 Marketing Council.

**3. Reporting a Potential Breach by Another**

Members are encouraged to report in writing a potential breach of this Code by another Marketing Council 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, Marketing 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. Any breach may lead to disciplinary action, up to and including removal of the Member from Marketing Council. Further consequences may be assessed by the *Ethics Commissioner*.

**5. Review of a Decision**

Members and employees can request in writing that the *Ethics Commissioner* 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.

## **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 and/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:

- 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 Marketing Council?
- 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. Coming into Force**

This Code of Conduct will enter into force 90 days after it is made public.

**IX. Affirmation**

The Code of Conduct was reviewed on September 21, 2023 and is reaffirmed annually by the members to ensure it remains current and relevant.