

## Alberta Employment Pension Tribunal Code of Conduct Agreement

### **PREAMBLE**

The Alberta Employment Pension Tribunal (Tribunal) is established to hear appeals of reconsiderations of decisions made by the Superintendent of Pensions as described in section 145 of the *Employment Pension Plans Act* (EPPA). The Tribunal will render a decision as to whether or not the Superintendent's reconsideration under section 146 of the EPPA shall stand, be rejected or require further reconsideration by the Superintendent. The Tribunal shall only hear appeals to items listed in section 145 of the EPPA and only if the appeal is made by a person noted in section 147(1) of the EPPA.

The purpose of the Tribunal's Code of Conduct (Code) is to establish the rules governing the ethical conduct of Members of the Tribunal. All Members have the right to be treated with dignity and respect. The Code applies to all Members and requires that all Tribunal business be conducted with impartiality and integrity. The Code requirements adhere to the relevant provisions of the *Conflict of Interest Act*.

Further to the above, requirements include:

- restrictions on acting in self-interest or furthering private interests by virtue of one's position or carrying out their duties;
- disclosure of real and apparent conflicts of interest;
- restriction on gifts received;
- limitations on concurrent employment / other offices;
- restrictions on using influence;
- disclosure to the Ethics Commissioner of Alberta as required; and
- adherence to all applicable laws.

Members are required to show that their actions and decisions are ethical, impartial and independent. Members must not place their interests ahead of the Tribunal's and must not act in self-interest or further their or others' private interests using their position when carrying out their duties.

### **DEFINITIONS**

"Chief Appeals Commissioner" means the individual appointed by the Lieutenant Governor in Council, per EPPA s.149(1)(a), to perform the duties applicable to that position.

"Deputy Chief Appeals Commissioner" means the individual appointed by the Lieutenant Governor in Council, per EPPA s.149(1)(a), to perform the duties applicable to that position.

"Appeals Commissioner" means an individual appointed by the Minister, per EPPA s.149(1)(b), to perform the duties applicable to that position.

“Member” means a Chief Appeals Commissioner, a Deputy Chief Appeals Commissioner, or an Appeals Commissioner.

A person is "Directly Associated" with a Member if that person is:

- a) the Member's spouse or child or an adult interdependent partner, as defined under the *Adult Interdependent Relationships Act* (including, for example, common law spouses and same sex life partners),
- b) a corporation having share capital and carrying on business or activities for profit or gain and the Member is a director, senior officer, or employee of the corporation,
- c) a corporation carrying on business or activities for profit or gain and the Member owns or is the beneficial owner of shares of that corporation,
- d) a partnership
  - (i) of which the Member is a partner, or
  - (ii) of which one of the partners is a corporation directly associated with the Member by reason of clause (b) or (c), or
- e) a person or group of persons acting as the agent of the Member and having actual authority in that capacity from the Member.

## **BEHAVIOURAL STANDARDS**

### 1. Applicable Laws

Members must not take part in any criminal activity and must comply with all applicable laws.

### 2. Impartiality

Members must act impartially and independently in carrying out their duties under the EPPA.

### 3. Confidentiality of Information

Members must respect and protect confidential information. They must use it only for the work specific to their position and responsibilities at the Tribunal and never for personal reasons or advantage. Members must follow the *Freedom of Information and Protection of Privacy Act*. Confidential information includes personal information and information about the Tribunal.

### 4. Communication

Members must not comment publicly to the media about the Tribunal or its work without first consulting with the Chief Appeals Commissioner. All media requests must be forwarded to Chief Appeals Commissioner to be actioned. The Chief Appeals Commissioner is the official spokesperson for the Tribunal.

## 5. Disclosure of Criminal Charges

If a Member is charged with an offence under the *Criminal Code* or *Controlled Drugs and Substances Act* arising from conduct whether while conducting or not conducting Tribunal business, the Member must immediately report the charge to the Chief Appeals Commissioner, or in the case of the Chief Appeals Commissioner to the Deputy Chief Appeals Commissioner.

The Member agrees to disclose to the Chief Appeals Commissioner, or in the case of the Chief Appeals Commissioner to the Deputy Chief Appeals Commissioner, all matters that would create a reasonable apprehension of bias in the performance of their duties under the EPPA, including any real or apparent conflict of interest.

## 6. Harassment

The Tribunal is committed to providing an environment where all individuals are treated with dignity and respect. This commitment also extends to all who interact with the Tribunal.

The Tribunal shall not tolerate any discriminatory, harassing, bullying, threatening, abusive, or violent behaviour by or against any Member, or by or against anyone interacting with the Tribunal, while engaged in Tribunal business.

## 7. Prohibition from Acting in Self-Interest

Members must not act in self-interest or further their own private interests by virtue of their position with the Tribunal, or in carrying out their duties under the EPPA, or otherwise act in a conflict of interest.

## 8. Disclosure of Conflicts of Interest

Members must disclose, to the Chief Appeals Commissioner, or in the case of the Chief Appeals Commissioner to the Deputy Chief Appeals Commissioner, all matters that would create a reasonable apprehension of bias in the performance of their duties under the EPPA, including any real or apparent conflict of interest.

Without limitation, the Member is in conflict of interest if he/she/they:

- a) takes part in a decision in the course of carrying out his/her/their duties in connection with the Tribunal, knowing that the decision might further a private interest of the Member or that of someone directly associated with the Member,
- b) uses his/her/their public role in connection with the Tribunal to influence or seek to influence a decision which could further a private interest of the Member or that of someone directly associated with the Member,

- c) either directly or indirectly or through someone directly associated with the Member, obtains or accepts a fee, gift or other benefit of a material nature that is connected directly or indirectly with participation on the Tribunal, or
- d) uses or communicates information related to the work of the Tribunal that is not available to the general public that was gained by the Member in the course of carrying out his or her duties in connection with the Tribunal, to further or seek to further a private interest of the Member or that of someone directly associated with the Member, whether or not any such private interest is actually furthered as a result of the foregoing acts or similar acts.

For greater certainty and without otherwise limiting this section, membership in a pension plan or receipt of a pension by a Member or an individual directly associated with the Member does not constitute a conflict of interest.

A private interest of a Member does not include an interest that is of a matter of general application, is trivial, or affects the Member as one of a broad class of the public. The Chief Appeals Commissioner shall determine whether or not an interest is to be considered trivial, or in the case of the Chief Appeals Commissioner the Deputy Chief Appeals Commissioner shall make such determination.

Unless otherwise disclosed, if the Member has direct holdings in any corporation or partnership deriving a material portion of its income from pension plan administration, investment or other professional service to pension plans, the Member agrees to disclose these holding to the Chief Appeals Commissioner, or in the case of the Chief Appeals Commissioner to the Deputy Chief Appeals Commissioner. Mutual or index fund holdings need not be disclosed.

## **RESTRICTIONS TO AVOID CONFLICTS OF INTEREST**

### **9. Gifts**

Members must not use their position to solicit gifts, hospitality, or other benefits. Members shall not accept gifts, hospitality or other benefits that are or may be perceived as being connected directly or indirectly with the performance of their Tribunal duties from any individual or organization, other than in the following limited instances:

- a) within the course of the normal exchange of gifts, hospitality or other benefits between persons doing business together;
- b) tokens exchanged as part of protocol; or
- c) the normal presentation of gifts, hospitality, or other benefits to people participating in public functions;

provided in all instances that such gifts, hospitality or other benefits must not be of such a nature that they could have a real, apparent, or potential influence on the Member's objectivity and impartiality in performing their duties on behalf of Tribunal.

Members must not accept cash or cash equivalents as gifts.

The value of a single tangible gift permitted under this section shall not exceed \$100. The total value of all tangible gifts received by a Member in a calendar year from a single source shall not exceed \$200. Hospitality that is incidental to a meeting (such as a business lunch or dinner) is considered a tangible gift and subject to these limits.

The value of a single event invitation, inclusive of admission, travel fees, hospitality and accommodation, shall not exceed \$200. The total value of all event invitations received by a Member in a calendar year from a single source shall not exceed \$400.

Members may accept paid conference invitations. The value of any single conference invitation accepted (inclusive of admission, travel, accommodation, hospitality, and other incidentals) shall not exceed \$1,000. The total value of all conference invitations received from a single source in a calendar year shall not exceed \$1,500. Any conference invitation exceeding these monetary limits may be accepted with prior written approval from the Chief Appeals Commissioner, or in the case of the Chief Appeals Commissioner the Deputy Chief Appeals Commissioner, whose permission shall only be granted in writing, in accordance with the principles and provisions of this Code, and where acceptance of the conference invitation would not create a real or apparent conflict of interest.

Acceptance of any allowable gift, regardless of value, should be reviewed to consider whether the gift is being offered by someone whose interests could be affected by a decision the Member could be called upon to make. Members should also consider whether accepting a gift from a particular donor would, or would appear, to place the Member or the Tribunal under an actual, or perceived, obligation. If so, regardless of dollar value the gift should not be accepted.

#### 10. Business / Concurrent Employment

Members are required to disclose all concurrent appointments, businesses, undertakings or employment for review in writing, to the Chief Appeals Commissioner, or in the case of the Chief Appeals Commissioner to the Deputy Chief Appeals Commissioner, rather than only being required to disclose it if they think that it entails a real, apparent or potential conflict of interest.

The Chief Appeals Commissioner, or in the case of the Chief Appeals Commissioner the Deputy Chief Appeals Commissioner, must review all concurrent appointments, businesses, undertakings or employment and, if there is no real or apparent conflict of interest, confirm the same in writing.

## 11. Political Activities

Members may participate in political activities, including membership in a political party, supporting a candidate for elected office, or running for elected office. However, Members must not raise money for a political party. Any political activity must be conducted separate and apart from the Tribunal.

## 12. Anticipated Future Employment or Appointment

Members must not allow their performance with the Tribunal to be influenced by existing or anticipated offers of future employment or appointment.

## 13. When Members Leave the Tribunal

After a Member leaves the Tribunal, they must not disclose confidential information and must not use contacts with former colleagues to their personal advantage. Members leaving the Tribunal must not be involved in matters or cases on which they worked while a Member of the Tribunal. Members cannot represent parties before the Tribunal for 12 months after leaving the Tribunal.

## 14. Direct Relationships

Members must avoid dealing with individuals with whom they are directly associated when conducting work for the Tribunal.

## **INFORMATION MANAGEMENT**

15. The Member agrees to make reasonable security arrangements to protect the information in his/her/their possession or which comes to or is brought to his/her/their specific attention as a result of his/her/their participation on the Tribunal from unauthorized access, collection use, disclosure or disposal.
16. The Member agrees that if he/she/they receives a request for access to any of the information he/she/they receives as a result of his/her/their participation on the Tribunal from a person other than other Members, and this Code does not require or authorize such access, the Member will refuse the request and immediately advise the Chief Appeals Commissioner that the request was made and by whom.
17. The Member agrees that the Alberta Government owns all property rights to the information related to the activities of the Tribunal. Further, the Member agrees to deliver such information to the Alberta Government promptly after a decision of the Tribunal has been released, or promptly upon request.

18. The Member agrees that all intellectual property rights, including copyright in the information related to the activities of the Tribunal and the resulting decisions belongs to the Alberta Government; upon the request of the Alberta Government, the Member agrees to provide, in a form satisfactory to the Alberta Government, a written assignment of copyright and signed waiver of moral rights in the information created by the Tribunal. For greater certainty, any contribution of the Member to the information shall be deemed to constitute information created by the Tribunal.

## **SPECIFIC OBLIGATIONS OF THE CHIEF APPEALS COMMISSIONER**

19. Decisions furthering private interests

The Chief Appeals Commissioner breaches this section if he or she or they takes part in a decision in the course of carrying out his or her or their office or powers knowing that the decision might further a private interest of themselves, a person with whom they are directly associated, or of their minor or adult child.

The Chief Appeals Commissioner breaches this section if the Chief Appeals Commissioner uses his or her or their office or powers to influence or to seek to influence a decision to be made by the Tribunal to further a private interest of the Chief Appeals Commissioner, a person directly associated with the Chief Appeals Commissioner, the Chief Appeals Commissioner's minor child or to improperly further any other person's private interest.

The Chief Appeals Commissioner breaches this section if he or she or they uses or communicates information not available to the general public that was gained by the Chief Appeals Commissioner in the course of carrying out his or her or their office or powers to further or seek to further a private interest of the Chief Appeals Commissioner or any other person's private interest.

The Chief Appeals Commissioner breaches this section if the Chief Appeals Commissioner fails to appropriately or adequately disclose a real or apparent conflict of interest.

## **COMPLAINTS**

20. Members shall report any actual or suspected breaches of the Code in writing to the Chief Appeals Commissioner, or if the Chief Appeals Commissioner then to the Deputy Appeals Commissioner.
21. When reporting a potential breach of a Member in good faith and with reasonable grounds, the reporting person will be protected from reprisal for such reporting.
22. The identity of the person reporting a breach or potential breach will not be disclosed by the Chief Appeals Commissioner unless required by law or he/she/they consents to disclosure.

23. Once an actual or potential breach of the Code has been reported, the Chief Appeals Commissioner, or in the case of the Chief Appeals Commissioner, the Deputy Chief Appeals Commissioner, will review the circumstances and details of the actual or potential breach and ensure the confidentiality of all disclosures.
24. Subject to section (22), if a reported breach or potential breach relates to a Member other than the person reporting it, the Member in question must be made aware of the allegations and must be given the opportunity to respond to the allegations and provide any other relevant information before a decision is made.
25. The Chief Appeals Commissioner, or the Deputy Chief Appeals Commissioner as the case may be, must make a decision and complete a written report with reasons in a timely manner, and will provide the report to the Member that was the subject of the report and other parties as necessary.
26. Breaches of this Code may result in disciplinary action, up to and including suspension or termination of their position with the Tribunal.
27. The Member that was the subject of the report may request in writing that the Deputy Chief Appeals Commissioner review a decision made by the Chief Appeals Commissioner about a breach of the Code; or in the case of a Deputy Chief Appeals Commissioner decision, that another Member review the decision. Members can ask in writing for the Ethics Commissioner to review such a decision made by the Chief Appeals Commissioner or Deputy Chief Appeals Commissioner about a breach of the Code.
28. If a complaint is filed with the Ethics Commissioner, the Member will cooperate and assist the Ethics Commissioner with his/her/their investigation.

## **NOTICE**

29. The Chief Appeals Commissioner is responsible for the administration and enforcement of the Code.

The Code is reviewed every two years to ensure it remains current and relevant and all Members are required to annually reaffirm their understanding of the Code.

This Code will be published on or before February 3, 2023 and will come into effect 90 calendar days after it is published.