

CODE OF CONDUCT AND ETHICS FOR THE LAND COMPENSATION BOARD AND SURFACE RIGHTS BOARD

Land Compensation Board and Surface Rights Board

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PART A: RULES of CONDUCT

1.0 Preamble

This Code establishes rules for Board member and employee conduct. Where the rules do not give specific direction, members and employees should apply the Code’s spirit and intent to guide behaviour. The core values that inform the spirit and intent of this Code are

Respect – conveyed through honesty, integrity and empathy

Excellence – achieved through consistently high-quality service, accountability and a commitment to continuous learning

Fairness – requiring independence and impartiality

Co-operation – achieved through open communication, teamwork, and a commitment to follow all established Board policies, guidelines, and standards.

This Code has been sent to the Ethics Commissioner to ensure it follows the requirements in the *Conflicts of Interest Act*. It is also posted on the internet to promote transparency and accountability in how the Boards carry out their mandates.

2.0 Application and Administration

2.1 This Code applies to all members and employees of the Land Compensation Board, Municipal Government Board, New Home Buyer Protection Board, and Surface Rights Board (“Boards”), including the Chair(s) of those Boards (“Chair”), and any temporary employees.

2.2 Employees are Government of Alberta employees; as such, they must also follow the Code of Conduct and Ethics for the Public Service. Conflicts between this Code and the Code of Conduct and Ethics for the Public Service will be resolved by using the highest standard of conduct for either code.

2.3 The Code Administrator is responsible for managing this Code and resolving any complaints about Code breaches. The Code Administrator for each member or employee is as follows:

- the Ethics Commissioner for the Chair
- the Chair for members
- the employee’s supervisor for employees.

- 2.4 A supervisor may refer any issue or situation covered by this Code to the Chair. The Chair may refer any issue or situation covered by this Code to the Ethics Commissioner.
- 2.5 The Chair will review this Code annually and forward any proposed amendments to the Ethics Commissioner for approval.

3.0 Adherence to Code

- 3.1 Each member and employee will
 - (a) review this Code when hired or appointed and any other time the Code Administrator requests,
 - (b) follow all aspects of this Code unless the Code Administrator has granted a specific exemption in writing
 - (c) consult the Code Administrator if uncertain as to its meaning or application.
 - (d) affirm annually their understanding, commitment to and compliance with this Code either in writing or through the Boards' electronic Learning Management System as directed by the Code Administrator.
- 3.2 Each member and employee acknowledges that serious breaches of this Code may result in disciplinary action up to and including dismissal.

4.0 Impartial, Fair and Respectful Treatment of Others

- 4.1 Members and employees will ensure their behavior towards other members, staff, parties, representatives, and the public
 - (a) is courteous, professional, respectful, fair and impartial
 - (b) does not detract from orderly board business or proceedings
 - (c) avoids ridicule, sarcasm, derogatory comments, or other behavior designed to embarrass, harass, bully, or threaten
 - (d) avoids inappropriate use of social media.

- 4.2 The member who acts as the presiding officer of a hearing panel is responsible for dealing with and preventing discourteous behavior during a hearing.
- 4.3 Members and employees will respect personal or confidential information disclosed to them because of their position with the Boards. Such information should be used only for the work of the Boards, and not for personal gain.

5.0 Co-operation and Commitment to Improvement

- 5.1 Members and employees will co-operate to improve the quality of service to the public by
 - (a) communicating openly with each other and those who use Board services
 - (b) embracing teamwork and an environment where knowledge is shared and the thoughts and ideas of others are given genuine consideration
 - (c) taking appropriate steps to support their own professional development
 - (d) participating fully in workshops, skills development, and similar programs established by the Board
 - (e) conscientiously considering evaluations or feedback from the Chair, other members, and employees.

6.0 Respect for Boards' Adjudicative Role

- 6.1 Members and employees will support the work of the Boards as fair and impartial adjudicative bodies by
 - (a) treating all persons fairly and openly in good faith, and avoiding behavior that may raise a perception of partiality
 - (b) avoiding public comments about Board matters or persons appearing before the Boards
 - (c) immediately referring to the Chair any requests by the media for comment or information on matters pertaining to the Boards
 - (d) respecting the confidentiality of panel deliberations on matters before the Boards

(e) disclosing to the Code Administrator as soon as possible any circumstance that could damage the Boards' reputation as fair and impartial decision-making bodies—for example:

- kinship, close personal friendships, client or business relationships, or other similar dealings with a party
- a history of animosity, hostility or negative dealings with a party
- strong public statements on matters related to Board proceedings
- litigation with a party appearing before the Boards
- a pecuniary interest as described in section 14 of this Code.

6.2 Members and employees recognize the Boards strive to provide balanced adjudication and timely, fair, high quality decisions. Members commit to give sufficient time and attention to fulfil their adjudication and decision making responsibilities.

7.0 Undue Influence

7.1 Members and employees will not attempt to

(a) improperly influence a municipality, government department or agency, appeal body, stakeholder, or any other person or entity to benefit themselves, their clients, or others with whom they have a significant personal or business relationship

(b) use their duties or position with the Boards in self-interest or to further their private interests, which for the purposes of this section would not include an interest that

- is of general application
- affects an individual as one of a broad class of the public
- concerns the remuneration and benefits of an individual
- is trivial, or
- relates to publically traded securities held in a blind trust or an investment arrangement approved by the Ethics Commissioner.

8.0 Advocacy before Panels

- 8.1 Members and employees will not appear as witnesses or advocates before a panel composed of other members or before a municipal Assessment Review Board.
- 8.2 A member or employee who files a complaint, appeal, or other application with the Boards or with an Assessment Review Board must be represented by another person.

9.0 Concurrent Employment and Other Activities

- 9.1 A member or employee may take concurrent employment, including self-employment, other appointments, or volunteer work, and may deliver educational programs, workshops, seminars, or undertake other similar activities, provided the activities do not
 - (a) result in business interests or professional relationships that would be perceived reasonably as undermining the Boards' reputation or impartiality
 - (b) involve the use of Board premises or equipment except as authorized by the Code Administrator.

- 9.2 Members and employees must notify the Code Administrator

- (a) of any existing concurrent employment, and
- (b) before agreeing to any concurrent employment.

Upon notification, the Code Administrator may request further particulars of the activity and may provide direction to the member or employee to deal with or manage any real or apparent conflict.

- 9.3 Members and employees must not allow offers or potential offers of future employment to influence their official duties.
- 9.4 Members and employees must notify the Code Administrator if they are charged with a criminal offence.

10.0 Membership in a Professional Association or Other Organization

- 10.1 A member or employee may take or maintain membership in a professional association or other organization representing segments of industry related to Board proceedings, but may not hold an executive position in a professional association or other organization that has a role in developing or propagating policy in areas affecting Board decisions.

11.0 Elected Office and Political Activity

- 11.1 A member or employee who accepts nomination for public election to any municipal, provincial or federal office will notify the Code Administrator immediately and file a request for a leave of absence.
- 11.2 If the member or employee is not elected or resigns from candidacy, he or she may resume Board work as though the nomination had not occurred. If the member or employee is elected, he or she is deemed to have resigned as a member or employee on the day of the election.
- 11.3 A member or employee must not hold an executive position in any political party or constituency office, or solicit contributions for a political party.

12.0 Gifts

- 12.1 Members and employees must not accept gifts other than gifts normally exchanged between colleagues or presented to people participating in public functions, awards, speeches, lectures, presentations, seminars, and other similar events.
- 12.2 The total value of gifts received from a single source in the same calendar year must not exceed \$100 in value, unless the Code Administrator provides written permission.

13.0 Disclosure of Conflicts of Interest

13.1 Members and employees will disclose all real or apparent conflicts of interest to the Code Administrator as soon as possible so that the Code Administrator may give direction or take any action he or she deems appropriate to manage or avoid the conflict.

14.0 Pecuniary Interests in Board Proceedings

14.1 A member or employee whose duties could affect the outcome of a board proceeding where the outcome could have a significant pecuniary effect on

- (a) the member or employee
- (b) the family of the member or employee
- (c) a person with whom the member or employee has recently had or expects to have a client, business, or employment relationship
- (d) a municipality in which the member has recently been an elected official, or
- (e) a corporation in which the member, employee, or his or her family are shareholders, except where the number of shares held represent less than 10% of the issued shares of the corporation

must notify the Code Administrator of the pecuniary interest as soon as possible so that the Code Administrator may give direction or take any action he or she deems appropriate to manage or avoid the conflict.

14.2 A significant pecuniary effect does not ordinarily occur in matters

- (a) affecting utilities or cooperatives of which the Board member is either a customer or member
- (b) affecting the Government of Alberta
- (c) affecting the revenue of a municipality in which the member owns property or is a resident, or
- (d) that are so remote or insignificant they cannot reasonably be regarded as likely to influence the member of employee.

15.0 Conduct Following Board Appointment or Employment

- 15.1 After a member or employee leaves the Boards, he or she must not give out confidential information, including information about the Boards, and must not use contacts with former colleagues to personal advantage.
- 15.2 Former members and employees will not act as advocates or witnesses before the Boards or an Assessment Review Board for at least twelve months after leaving.

16.0 The Chair's Obligations as a Senior Official and Designated Senior Official

- 16.1 The Chair is both a "senior official" and a "designated senior official" under Order in Council 085/2018. He or she must follow all disclosure and return-reporting requirements, post-employment and other restrictions, and the time lines set out for senior officials and designated senior officials under the *Conflicts of Interest Act*, RSA 2000, c C-23, as summarized below:

Restrictions on Office and Powers

- (a) must fully disclose all real or apparent conflicts of interest to the Code Administrator
- (b) must not take part in a decision, use their office or powers to influence a decision, or communicate information not available to the general public gained through their office or powers, to further their private interests, their family's private interests, or the private interests of any other person
- (c) must not hold any job or appointment, except an appointment as member or Chair of one or more of the Land Compensation Board, Municipal Government Board, New Home Buyer Protection Board, and Surface Rights Board, unless approved in writing by the Code Administrator.

Financial and Disclosure Requirements

- (a) must not hold publicly-traded securities unless

- held in an financial arrangement (e.g. blind trust) approved by the Code Administrator
 - an approval or exemption has been provided in writing by the Code Administrator
- (b) must file a personal disclosure statement and returns for persons directly associated (e.g. spouse) as required by the Code Administrator
- (c) must file an updated disclosure or return within 30 days of any changes to the previous disclosure or returns
- (d) must file a return within 30 days if no longer designated as a designated senior official.

Post-Employment Restrictions

For a period of 12 months after the last day the Chair was considered a designated senior official, they must not

- (a) lobby any public office holder
- (b) act on a commercial basis or make representations on any matter they were directly involved in relating to a government department or public agency
- (c) request or accept a contract or benefit from any department or public agency with which they had a direct and significant official dealing
- (d) accept employment or an appointment with an individual, organization or board of directors with which they had a direct and significant official dealing

unless a waiver or reduction of the 12-month time period has been approved in writing by the Code Administrator.

17.0 Coming into Effect

- 17.1 This Code replaces all previous Board Codes of Conduct and takes effect 60 calendar days after publication on the Boards' website. Codes in effect before the date of publication still apply to conduct that occurred before that date.

PART B: COMPLAINT PROCESS

18.0 Purpose of Complaint Process

- 18.1 This informal complaint process provides a way to voice concerns about the conduct of Board members and employees and to offer suggestions for improved service, while still respecting the Boards' adjudicative processes.
- 18.2 This process is not a substitute for appeal, judicial review, or an application to reconsider or rehear Board decisions under the Boards' enabling legislation. Those seeking a reconsideration or change to a panel decision will be referred to the available formal procedures.

19.0 Procedure

- 19.1 Complaints must be reported to the Code Administrator, who may ask for written details before deciding whether to investigate. If the Code Administrator decides to investigate, he or she will:
 - review any Board files directly related to the complaint
 - discuss the matter with the complainant, and with the affected member(s) or employee(s), and
 - in cases where the Code Administrator deems it appropriate, discuss the matter with other members, employees, or other persons who may have relevant information about it.
- 19.2 The Code Administrator will allow the member(s) or employees(s) whose conduct is the subject of a complaint to review and respond to all information collected during the investigation. In the case of an anonymous complaint, the Code Administrator will consider whether its anonymous nature unfairly affects the right to respond.
- 19.3 In assessing a complaint or suggestion to improve process, the Code Administrator will consider the governing legislation, this Code, and any applicable Board procedure or guide.
- 19.4 The Code Administrator may defer an investigation if he or she determines it will compromise ongoing or pending Board or Court proceedings. If the Code

Administrator defers an investigation, he or she will resume it as soon as the circumstances requiring deferral cease to apply.

- 19.5 After concluding the investigation, the Code Administrator will draft a report outlining his or her decision and an appropriate course of action. This report will be communicated to the person making the complaint and to the member(s) or employee(s) involved.

Signatures

Chair

Ethics Commissioner

Date

Date