



ALBERTA  
ENVIRONMENTAL APPEALS BOARD

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**Code of Conduct and Ethics**  
**for the**  
**Environmental Appeals Board**

This Code is in draft as of August 2010.  
It is currently before the Board for review and ratification.  
Please contact the Board's offices if you have any questions.

**August 2010 – D R A F T**

## ENVIRONMENTAL APPEALS BOARD

### VISION

The Environmental Appeals Board's vision is to promote a high quality of life in Alberta through the timely and thorough review of environmental decisions.

### MISSION

The Environmental Appeals Board will advance the protection, enhancement, and wise use of Alberta's environment by providing fair, impartial, and efficient resolution of all matters before it.

### MANDATE

The Environmental Appeals Board was created by the *Environmental Protection and Enhancement Act* and is responsible to resolve appeals of specified decisions for regulated entities or directly affected parties as authorized under this Act and other applicable legislation. The Environmental Appeals Board is to provide a report and recommendations to the Minister in respect of most appeals, except those where the legislation directs that the Board shall make the decision.

### Abbreviations used:

“AGS” means the Agency Governance Secretariat (see: <http://alberta.ca/home/729.cfm>);

“APAGA” means the *Alberta Public Agency Governance Act*, S.A. 2009, c. A-31.5;

“CCEPS” means the *Code of Conduct and Ethics of the Public Service of Alberta*; and

“CIA” means the *Conflicts of Interest Act*, R.S.A. 2000, c. C-23.

NOTE: As of August 2010, the *Alberta Public Agency Governance Act*, S.A. 2009, c. A-31.5 has not been proclaimed. Further, no regulations have been passed under APAGA.

In this Code of Conduct and Ethics for the Environmental Appeals Board, citations have been included with certain sections. The citations correspond to different reference documents and are intended to assist in the interpretation of the Code of Conduct and Ethics.

Code of Conduct and Ethics  
for the Environmental Appeals Board  
(August 2010) DRAFT – Subject to review and ratification.

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## Resources:

Agency Governance Secretariat,

[www.alberta.ca/home/729.cfm](http://www.alberta.ca/home/729.cfm);

*Alberta Public Agency Governance Act*, S.A. 2009, c. A-31.5;

*Alberta Public Service Post-Employment Restriction Regulation*, O.C. 94/2008;

*At a Crossroads: The Report of the Board Governance Review Task Force* (October 1, 2007),

[www.alberta.ca/home/documents/At\\_a\\_Crossroads\\_-\\_screen.pdf](http://www.alberta.ca/home/documents/At_a_Crossroads_-_screen.pdf);

*Code of Conduct and Ethics of the Public Service of Alberta*,

[www.chr.alberta.ca/legreg/code/code-of-conduct-and-ethics-whole.pdf](http://www.chr.alberta.ca/legreg/code/code-of-conduct-and-ethics-whole.pdf);

*Code of Conduct and Ethics Template* (March 18, 2009),

[www.alberta.ca/home/documents/Archived\\_-\\_Ethics\\_and\\_Conflict\\_of\\_Interest\\_Package.pdf](http://www.alberta.ca/home/documents/Archived_-_Ethics_and_Conflict_of_Interest_Package.pdf);

*Conflicts of Interest Act*, R.S.A. 2000, c. C-23;

*Conflict of Interest Act*, S.C. 2006, c. 9, s. 2;

*Evaluation Chart for Existing Codes of Conduct* (March 18, 2009),

[www.alberta.ca/home/documents/Archived\\_-\\_Ethics\\_and\\_Conflict\\_of\\_Interest\\_Package.pdf](http://www.alberta.ca/home/documents/Archived_-_Ethics_and_Conflict_of_Interest_Package.pdf);

*Generic Code of Conduct for a Public Agency* (January 29, 2010),

[www.alberta.ca/home/741.cfm](http://www.alberta.ca/home/741.cfm);

*Guidelines for Developing a Code of Conduct for a Public Agency* (January 18, 2010),

[www.alberta.ca/home/documents/GuidelinesGenericCodeOfConduct.pdf](http://www.alberta.ca/home/documents/GuidelinesGenericCodeOfConduct.pdf);

Office of the Conflict of Interest and Ethics Commissioner (Canada),

[www.ciec-ccie.gc.ca](http://www.ciec-ccie.gc.ca);

Office of the Ethics Commissioner (Alberta),

[www.ethicscommissioner.ab.ca](http://www.ethicscommissioner.ab.ca); and

*Public Agencies Governance Framework* (February 2008);

[www.alberta.ca/home/documents/Governance\\_Framework\\_web\\_verson.pdf](http://www.alberta.ca/home/documents/Governance_Framework_web_verson.pdf).

**Code of Conduct and Ethics  
for the Environmental Appeals Board**

**Introduction**

## Preamble

The people of Alberta have a right to public services that are conducted with impartiality and integrity, and which uphold the reputation of the Environmental Appeals Board as a public agency. It is this obligation to Albertans that demands that there not be, nor appear to be, any conflict between the private interests of the Environmental Appeals Board's Members or Employees and their respective duties to the public. At the same time, it is recognized that Board Members and Employees of the Environmental Appeals Board have the same rights in their private dealings as any other citizen, unless it can be demonstrated that a restriction to these rights is necessary to protect the public interest.

(CCEPS Preamble.)

## Background

The *Alberta Public Agencies Governance Act*, S.A. 2009, c. A-31.5 (APAGA) was passed on June 4, 2009, and is expected to come into force in 2010. The key element underlying the APAGA is the need for transparency and accountability of the Government's agencies, boards, and commissions. In accordance with section 1(1)(i)(iii) of APAGA, the Environmental Appeals Board is a "public agency," and subject to APAGA. Section 11 of APAGA requires that every public agency have a code of conduct governing its members and its employees. This is the Board's Code of Conduct and Ethics required by APAGA.

Generic Code for  
Public Agencies

To implement the APAGA, the Honourable Premier Ed Stelmach established the Agency Governance Secretariat (AGS). In March 2009, the AGS developed a *Code of Conduct and Ethics Template* (March 18, 2009) and an *Evaluation Chart for Existing Codes of Conduct* (March 18, 2009). The AGS then developed the *Guidelines for Developing a Code of Conduct for a Public Agency* (January 18, 2010) and the *Generic Code of Conduct for a Public Agency* (January 29, 2010), which detail the requirements to be included in a code of conduct. These documents were used as references in developing this Code of Conduct and Ethics and may be used as aids to interpretation.

**Part 1**  
**Definitions**

- Definitions      1    (1)      In this Code:
- (a)      “Act” means the *Environmental Protection and Enhancement Act*, R.S.A. 2000, c. E-12;
  - (b)      “Board” means the Environmental Appeals Board established pursuant to section 90(1) of the Act;
  - (c)      “Board Counsel” means the Employee of the Board holding the most senior Legal Officer position, or in the absence of an Employee holding a Legal Officer position, a member of the Law Society of Alberta retained to act as legal counsel for the Board;
  - (d)      “Board Member” means an individual appointed to the Board pursuant to section 90(1) of the Act and includes the Chair;  
(CCEPS s. 1(1)(f).)
  - (e)      “Chair” means the Board Member who is appointed to preside over the Board pursuant to section 90(1) of the Act and who has the primary responsibility for the day-to-day operations of the Board;  
(APAGA s. 1(1)(d).)
  - (f)      “Code” means this *Code of Conduct and Ethics for the Environmental Appeals Board*;  
(CCEPS s. 1(1)(a).)
  - (g)      “Code Administrator” means the individual or individuals responsible for administering the Code as specified in section 4 of this Code;
  - (h)      “Crown” means Her Majesty the Queen in Right of Alberta and includes, but is not limited to, a public agency as defined in APAGA;  
(CIA s. 1(1)(a).)
  - (i)      “Deputy Head” means the Deputy Head of a department as specified in the *Public Service Act*, R.S.A. 2000, c. P-42;
  - (j)      “Employee” means an individual who is not a Board Member, who undertakes work for the Board,
    - (i) including a wage employee, as defined under the *Public Service Act*, or an individual employed on a contractual basis to work directly for the Board, but
    - (ii) not including an individual who is an independent contractor or who works for an independent contractor providing services to the Board;  
(CCEPS s. 1(1)(b).)
  - (k)      “Ethics Commissioner” means the Ethics Commissioner appointed under the *Conflicts of Interest Act*, R.S.A. 2000, c. C-23;
  - (l)      “Minister” means the Minister responsible for the Board pursuant to the *Government Organization Act*, R.S.A. 2000, c. G-10;

- (m) “Public Service Commissioner” means the Public Service Commissioner appointed under the *Public Service Act*;
- (n) “Related Person” means a business associate or other person with whom the Board Member or Employee has a significant personal or business relationship, and includes:
  - (i) a corporation having share capital and carrying on business or activities for profit or gain and the Board Member or Employee is a director or officer of the corporation,
  - (ii) a private corporation carrying on business or activities for profit or gain and the Board Member or Employee owns or is the beneficial owner of the shares of the corporation,
  - (iii) a partnership of which the Board Member or Employee is a partner,
  - (iv) a partnership of which one of the partners is a corporation and the Board Member or Employee is associated with the corporation under sections 1(1)(n)(i) or 1(1)(n)(ii), or
  - (v) a person or a group of persons acting with the express or implied consent of the Board Member or Employee;

(CIA s. 1(5).)

- (o) "Relative" includes a spouse, adult interdependent partner, child, legal dependant, parent, sibling, in-law, grandparent, grandchild, niece, nephew, aunt, uncle, first cousin, and a person to whom a Board Member or Employee has demonstrated a settled intention to treat as a child of the Board Member’s or Employee’s family;

(CIA s. 1(1)(e); CCEPS ss. 1(1)(c), 1(1)(e), 1(1)(g).)

- (p) “Selection Panel Member” means a Board Member, Employee, or other individual assigned by the Board to participate in a selection or recruitment process;
- (q) “Senior Employees” means all Legal Officers employed by the Board, the Board Secretary, and the Registrar of Appeals for the Board; and

(CCEPS s. 1(1)(f).)

- (r) "Supervise" means to directly supervise or exercise influence over the assignment of duties, performance evaluation, or related responsibilities of a Board Member or Employee.

(CCEPS s. 1(1)(h).)

Apparent Conflict of Interest

- (2) (a) In this Code, a “conflict of interest” includes an “apparent conflict of interest.”
- (b) In this Code, an “apparent conflict of interest” shall be determined by:
  - (i) the Board Member or Employee that is in the apparent conflict of interest exercising the care, diligence, and skill that a reasonable and prudent Board Member or Employee would exercise in comparable circumstances; or

- (ii) the Code Administrator, where the Code Administrator is required to make a decision under the Code.
- Private Interest (3) In this Code, the “private interest” of a Board Member or Employee does not include an interest:
- (a) in a matter that is of general application,
  - (b) that affects an individual as one of a broad class of the public, and
  - (c) that concerns the remuneration or benefits received from the Board.
- (CIA s. 1(1)(g).)

## Part 2 Application

- Application 2 (1) This Code applies to all Board Members and Employees.  
(CCEPS s. 2(1).)
- Code in Addition To Other Rules (2) This Code is in addition to any legislation pertaining to the actions of a Board Member or Employee, including in the case of an Employee the *Code of Conduct and Ethics of the Public Service of Alberta* (CCEPS), and to any binding written instructions that the Government of Alberta or the Chair are authorized to issue.  
(CCEPS s. 2(2).)
- Other Codes of Conduct (3) This Code is in addition to any other code of conduct, code of ethics, or rules of conduct that a Board Member or Employee is required to comply with as a result of being a member of a regulated profession.
- Intent of the Code (4) A conflict of interest between the private interests of a Board Member or Employee and his duty to the public not specifically addressed in this Code shall be dealt with according to the intent of this Code, and in keeping with the Board’s core values and the guiding principles that the Board follows.  
(CCEPS s. 2(3).)
- Resources (5) Where a Board Member or Employee has questions regarding this Code and how to apply this Code, they should consult with the Chair or Board Counsel.

## Part 3 Interpretation

- Interpretation 3 (1) In interpreting this Code, the Board’s core values and guiding principles shall be taken into account.
- Core Values (2) The Board’s core values include:
- (a) the Board applies the highest possible standards when addressing conflict of interest issues;



Guiding  
Principles

- (b) the Board's purpose is to provide fair, impartial, and efficient resolution of all matters before it;
  - (c) the Board is governed by the principles of natural justice and procedural fairness;
  - (d) all persons who appear before the Board shall be treated equally, and with respect and courtesy;
  - (e) the Board's processes are governed by the right of a person involved in an appeal to know the case that must met and right of that person to provide input into any decision that is made regarding the appeal; and
  - (f) consensus based decision-making (mediation) is the preferred way of dealing with matters that come before the Board.
- (3) The Board's guiding principles include:
- (a) the Board recognizes that Board Members are selected based on their background and experience, and as such, it is likely that a conflict of interest will occur from time to time;
  - (b) the Board proactively checks for conflicts of interest;
  - (c) when an appeal is filed with the Board, the Board checks the appeal against potential conflicts of interest that have previously been disclosed by Board Members and Employees;
  - (d) where a previously disclosed conflict of interest is identified, it is noted on the appeal file, appropriate mechanisms are put in place to prevent the Board Member or Employee from having inappropriate dealings with the matter, and appropriate disclosures are made to the persons involved with the appeal;
  - (e) where a Board Member is assigned to a matter, either as the mediator or as a hearing panel member, the Board Member is required to review the appeal and disclose any conflicts of interest;
  - (f) when new information is received by the Board, the Board Members assigned to the matter are again required to review the information and disclose any conflicts of interest;
  - (g) where a conflict of interest is disclosed by a Board Member under sections 3(3)(e) or 3(3)(f), it is noted on the file and an appropriate course of action is decided upon and implemented, which may include but is not limited to disclosing the conflict of interest to the persons involved in the appeal and asking, in writing, if they waive the conflict of interest;
  - (h) the persons involved in the appeal have the right to request that a Board Member who is in a conflict of interest be removed from the matter; and
  - (i) where the persons involved in the appeal waive a conflict of interest, the Board Member may continue to deal with the appeal.

**Part 4**  
**Administration of the Code**

Role of Chair	4	(1)	In this section, “Board Member” does not include the Chair.
Code Administrator	(2)	(a)	The Chair is the Code Administrator for the Board Members and Employees.  (CCEPS s. 4.)
		(b)	Any one Board Member and the Board Counsel, collectively, are the Code Administrator for the Chair.  (CCEPS s. 3(1).)
		(c)	In the event that the Chair is absent or is unwilling or unable to act, the Board Counsel may act as the Code Administrator for the Board Members and other Employees.
		(d)	In the event the Chair is absent or is unwilling or unable to act, any two Board members may act as the Code Administrator for the Board Counsel.
Review of the Chair	(3)		The Minister, any two Board Members, or any one Board Member and the Board Counsel may apply to the Ethics Commissioner in writing for a review of any conflict of interest of the Chair, and such review shall be conducted in accordance with section 22 of this Code.
Additional Rules	(4)		The Chair may, in writing, issue additional conflict of interest rules, which modify but do not detract from matters dealt with in this Code.  (CCEPS s. 3(2).)
Delegation	(5)		With the exception of his authority under this section, where the Chair is authorized to act under this Code, the Chair may, in writing, delegate his authority to any Board Member or any Employee to act in his place.

**General Procedure**

Written Summary	5	(1)	When a Board Member or Employee discloses a conflict of interest to the Code Administrator, the Code Administrator may request that the Board Member or Employee provide a written summary of the conflict of interest.
Agreement	(2)		When a Board Member or Employee discloses a conflict of interest to the Code Administrator, the Code Administrator shall discuss the conflict of interest with the Board Member or Employee and attempt to reach an agreement as to how the conflict of interest shall be addressed.
Decision	(3)		If the Board Member or Employee and the Code Administrator are unable to reach an agreement as to how a conflict of interest is to be addressed in accordance with section 5(2), the Code Administrator

- shall, upon taking into account the comments of the Board Member or Employee, review the matter and make a decision as to how the conflict of interest shall be addressed.
- Resolution (4) When an agreement is reached pursuant to section 5(2) or when the Code Administrator makes a decision pursuant to section 5(3), the Board Member or Employee shall, subject to the review provisions detailed in section 22 of this Code, implement the agreement or decision.
- Record of Agreement (5) When an agreement as to how a conflict of interest shall be addressed is reached pursuant to section 5(2), the Code Administrator shall record the agreement in writing.
- Record of Decision (6) When the Code Administrator makes a decision as to how a conflict of interest shall be addressed pursuant to section 5(3), the Code Administrator shall record the decision in writing and provide a copy of the decision to the Board Member or Employee.

## **Part 5 Responsibilities under the Code**

### **Impartiality and Integrity**

- Impartiality and Integrity 6 (1) Board Members and Employees shall conduct their duties with impartiality and integrity, in keeping with the principles of natural justice and procedural fairness, and in the best interests of the Board.  
(APAGA s. 11(2)(a), CCEPS s. 6.)
- Background Check (2) (a) Prior to being appointed to the Board, a potential Board Member shall undergo the prescribed security screening, academic background check, and reference check.
- (b) Prior to being employed by the Board, a potential Employee shall undergo the prescribed security screening, academic background check, and reference check.

### **Disclosure**

- Disclosure 7 (1) Board Members and Employees shall, as soon as possible, disclose to the Code Administrator any situation they are involved in where there is a conflict of interest or where their impartiality or integrity may be called into question.  
(APAGA s. 11(2)(c), CCEPS ss. 7 and 9(4).)
- Proactive Disclosure (2) On or before March 31<sup>st</sup> of each year, Board Members shall provide the Board with an updated resume and a written statement, to the best of their knowledge, of any potential conflicts of interest that they may have with matters that could come before the Board.

### **Furthering Private Interests**

- Private Interests 8            A Board Member or Employee is in a conflict of interest and in violation of this Code if he:
- Decisions                    (1)        takes part in a decision in the course of carrying out his duties at the Board, knowing that the decision might further his own private interest or the private interest of a Related Person or Relative;
- Influence                    (2)        uses his public role to influence or seeks to influence a Government decision which could further his own private interest or the private interest of a Related Person or Relative; or
- Information                  (3)        uses or communicates information not available to the general public, that was gained in the course of carrying out his duties at the Board, to further his own private interest or the private interest of a Related Person or Relative.

(APAGA s. 11(2)(b), CCEPS s. 8.)

### **Dealings with Others**

- Board Members 9  
Disclosure                    A Board Member who exercises regulatory, statutory, or other discretionary authority, shall disclose to the Code Administrator any relationship that is a conflict of interest or that may bring the Board Member's impartiality or integrity into question.
- Employee Self- 10 (1)            An Employee who exercises discretionary authority shall disqualify himself from dealing with any person appearing before the Board with whom he has a relationship that is a conflict of interest or that may bring the Employee's impartiality and integrity into question.
- No Impairment of 10 (2)            In situations where the self-disqualification of an Employee would impair service delivery, the Employee shall advise the Code Administrator of the details of the disqualification before exercising any discretionary authority and the Employee shall only discretionary exercise authority in accordance with the instructions received from the Code Administrator.

(CCEPS s. 9(1).)

- Employment                11 (1)            A Related Person or Relative of a Board Member or Employee may work for the Board provided there is no opportunity to exercise favouritism and no conflict of interest exists for the Board Member or Employee involved.
- Supervision                (2)            A Board Member or Employee may not Supervise a Related Person or Relative.

(CCEPS s. 9(2).)

- Selection Panels 12 In selection or recruitment processes of any kind, a Selection Panel Member shall disqualify himself from participating in the process where applicants include a Related Person, Relative, or other person where the continued participation of the panel member could raise a question as to his impartiality.
- (CCEPS s. 9(3).)

### **Outside Employment**

- Board Member Employment 13 (1) (a) A Board Member shall disclose to the Code Administrator any outside employment or income generating activities that may be a conflict of interest with his activities at the Board.
- Decision of Code Administrator (b) In response to a disclosure under section 13(1)(a), the Code Administrator shall review the matter and make a decision as to the appropriate action if in the Code Administrator's opinion the Board Member's outside employment or income generating activities is a conflict of interest with the Board Member's position on the Board.
- Employee Employment (2) An Employee may take outside employment, including self employment, unless such employment:
- (a) causes a conflict of interest with the Employee's position with the Board;
  - (b) is performed in such a way as to appear that the Employee is acting in his capacity with the Board or representing the Board's opinion or policy;
  - (c) interferes with regular duties of employment; or
  - (d) involves the use of the Board's premises, equipment, or supplies, unless such use is expressly authorized, in writing, by the Code Administrator.
- (CCEPS s. 10(1).)
- Notification to Code Administrator (3) Prior to accepting any outside employment, that may result in a conflict of interest, an Employee is required to notify the Code Administrator, in writing, about the nature of the outside employment.
- (CCEPS s. 10(2).)
- Decision of Code Administrator (4) When a Board Member or Employee believes that a conflict of interest may exist as a result of outside employment or other income generating activities, the Board Member or Employee shall disclose that information to the Code Administrator, and the Code Administrator shall investigate the matter and make a decision as to how to address the situation.
- Compensation (5) Board Members and Employees shall not accept compensation for duties they perform in the course of their work for the Board, other than the compensation provided by the Board.
- (CCEPS s. 10(3).)

- Future Employment (6) Board Members and Employees shall not allow the performance of their duties at the Board to be influenced by offers of future employment or the anticipation of offers of employment.  
(CCEPS s. 10(4).)

### Teaching

- Teaching 14 (1) A Board Member or Employee may teach courses at a recognized educational institution for a fee provided that:
- (a) Board information is protected and privacy is respected;
  - (b) course preparation, instruction, and marking is done on the Board Member's or Employee's own time and does not rely upon the use of Board resources; and
  - (c) there are no conflicts of interest.
- (CCEPS s. 11.)
- Decision of Code Administrator (2) Should a conflict of interest arise in the course of teaching, the Board Member or Employee shall inform the Code Administrator, and the Code Administrator shall investigate the matter and make a decision as to how to address the conflict of interest.
- Teaching Hours (3) An Employee may, with the consent of the Code Administrator, teach courses at a recognized educational institution for a fee during normal working hours provided the Employee maintains satisfactory performance of all regular duties.
- Withdrawal from Teaching (4) Where teaching by an Employee during normal working hours negatively impacts the performance of the Employee's regular duties, the Code Administrator may, by notice in writing, require the Employee to discontinue teaching as soon as reasonably practicable.

### Volunteer Activities

- Disclosure of Volunteer Activities 15 (1) A Board Member or Employee who is actively associated on a volunteer basis with any organization shall disclose, in writing, to the Code Administrator his interest in such an organization where a conflict of interest may arise.  
(CCEPS s. 12.)
- Self-Disqualification (2) A Board Member or Employee who is actively associated on a volunteer basis with any organization shall disqualify himself from any Board activities that may relate to that organization.  
(CCEPS s. 12.)

### **Management of Private Assets**

- |                                    |        |   |
|------------------------------------|--------|---|
| Business or<br>Financial Interests | 16 (1) | Where an actual or proposed business or financial interest of a Board Member, Related Person of a Board Member, Relative of a Board Member, Employee, Related Person of an Employee, or Relative of an Employee, is or may be affected by the actions taken or decisions made by the Board in which the Board Member or Employee participates, the Board Member or Employee shall disclose the business or financial interest to the Code Administrator.<br><br><div style="text-align: right;">(CCEPS s. 13(1).)</div> |
| Decision of Code<br>Administrator  | (2)    | If a conflict of interest occurs under section 16(1), the Code Administrator shall review the matter and make a decision as to how to address the situation.<br><br><div style="text-align: right;">(CCEPS s. 13(2).)</div>   |
| Confidential<br>Information        | (3)    | Any information disclosed to the Code Administrator under section 16(2) is confidential and shall not be disclosed to any person, with the exception of the Ethics Commissioner under section 22.<br><br><div style="text-align: right;">(CCEPS s. 13(4).)</div>  |

### **Gifts**

- |       |    |  |
|-------|----|--|
| Gifts | 17 | A Board Member or Employee shall not accept fees, gifts, or other benefits that may be perceived to be connected directly or indirectly with his duties at the Board except for:<br><br><ol style="list-style-type: none"> <li>(1) the normal exchanged of gifts between friends;</li> <li>(2) the normal exchange of hospitality between persons doing business together;</li> <li>(3) tokens exchanges as part of protocol; or</li> <li>(4) the normal presentation of gifts to persons participating in public functions.</li> </ol> <div style="text-align: right;">(CCEPS s. 14.)</div> |
|-------|----|--|

### **Political Activity**

- |  |        |  |
|--|--------|--|
| Soliciting<br>Political<br>Contributions | 18 (1) | Subject to section 18(5), a Board Member or Employee shall not participate directly in soliciting contributions of any kind for a political candidate, political party, or constituency association.<br><br><div style="text-align: right;">(CCEPS s. 15(1)(a).)</div> |
| Federal and<br>Provincial Office         | (2)    | A Board Member or Senior Employee may not seek nomination as a candidate in a federal or provincial election, nor hold office in a political party or constituency association.<br><br><div style="text-align: right;">(CCEPS s. 15(1)(b).)</div>                      |

- Municipal Office (3) A Board Member or Employee may become candidates in a municipal election, with the prior written approval of the Code Administrator, who shall take into account the core values and guiding principles identified in this Code in making such a decision.  
(CCEPS s. 15(1)(b).)
- Leave of Absence (4) A Employee, who is not a Senior Employee, may run as a candidate in a provincial or federal election, but shall take a leave of absence without pay commencing on the day after the writ for the election is issued or on the day that their candidacy is publicly announced, whichever is later.  
(CCEPS s. 15(1)(c).)
- Exemption (5) Section 18(1) does not apply where a Board Member or Employee is running as a candidate for political office pursuant to sections 18(3) or (4).  
(CCEPS s. 15(1)(c).)
- Resignation of Employment (6) An Employee who is elected to federal or provincial office shall resign his employment effective the day of the election.  
(CCEPS s. 15(2).)
- Return to Employment (7) An Employee who seeks election, and is not elected, is entitled to return to the same position, effective the day after the election.  
(CCEPS s. 15(3).)
- Municipal Office (8) A Board Member or Employee who is a candidate for municipal office shall, if elected, be subject to the provisions of this Code regarding outside employment.  
(CCEPS s. 15(4).)

### Public Statements

- Matters before the Board 19 (1) A Board Member must consider the nature of his quasi-judicial role with the Board in any public statements he may make or publish, and a Board Member shall not comment publicly or privately on a matter that is actively before the Board.
- Generalized Statements (2) A Board Member shall use discretion in making generalized public statements that may be interpreted as bearing on any matter that is actively before the Board or that may be brought before the Board.
- Confidential Information (3) A Board Member or Employee who speaks or writes publicly shall not release confidential or privileged information obtained as a result of his work on the Board.  
(CCEPS s. 16(1).)
- FOIP (4) Board Members and Employees shall adhere to the requirements of the *Freedom of Information and Protection of Privacy Act*, R.S.A. 2000, c. F-25.  
(CCEPS s. 16(3).)



**Part 6**  
**Crown Property**

- |                    |        |  |
|--------------------|--------|--|
| Acquiring Property | 20 (1) | <p>A Board Member or Employee may acquire an interest in Crown property, personal or real, if:</p> <ul style="list-style-type: none"> <li>(a) the Board Member or Employee has obtained the prior written approval of the Code Administrator; and</li> <li>(b) the Board Member or Employee has disclosed, in writing, to the Deputy Head of the department granting the interest that they are a Board Member or Employee.</li> </ul> <p style="text-align: right;">(CCEPS s. 18(1).)</p> |
| Renewal            | (2)    | <p>If the Board Member or Employee has obtained an interest in Crown property in compliance with this Code, the Board Member or Employee may renew the interest without further approval from the Code Administrator or further disclosure to the Deputy Head of the department granting the interest.</p> <p style="text-align: right;">(CCEPS s. 18(2).)</p>   |
| Sale of Property   | (3)    | <p>Where a Board Member or Employee has an interest in property, personal or real, being purchased by the Crown, the Board Member or Employee shall, in writing, inform the Code Administrator and disclose that they are a Board Member or Employee to the Deputy Head of the department acquiring the interest.</p> <p style="text-align: right;">(CCEPS s. 18(3).)</p>  |

**Part 7**  
**Advice**

- |                               |        |   |
|-------------------------------|--------|---|
| Seeking Advice                | 21 (1) | <p>The Minister, the Chair, or the Code Administrator may apply to the Ethics Commissioner for advice regarding the interpretation of this Code, any additional conflict of interest rules, or the application of this Code or any additional conflict of interest rules.</p> <p style="text-align: right;">(CCEPS s. 5.)</p> |
| Advice Provided in Confidence | (2)    | <p>The advice provided by the Ethics Commissioner shall be provided in confidence where it may affect the personal privacy of the Board Member or Employee to which the advice relates.</p>   |
| Advice Not Binding            | (3)    | <p>The advice provided by the Ethics Commissioner is not binding on the Minister, the Chair, the Code Administrator, the Board Member, or the Employee.</p>   |

## Part 8 Review Process

- |                          |         |  |
|--------------------------|---------|--|
| Request for Review       | 22 (1)  | A Board Member or Employee may apply, in writing, to the Ethics Commissioner for a review of a decision made by the Code Administrator under this Code.<br><br><div style="text-align: right;">(CCEPS s. 20(1).)</div>   |
| Written Recommendations  | (2)     | Upon receipt of an application under sections 4(3) or 22(1), the Ethics Commissioner shall conduct a review and shall provide his written recommendations to: <ul style="list-style-type: none"> <li>(a) the individual or individuals that are the subject of the review;</li> <li>(b) the Code Administrator that made the decision, if the review is of a decision made by the Code Administrator;</li> <li>(c) the Chair; and</li> <li>(d) the Minister, if the Chair is the subject of the review.</li> </ul> <div style="text-align: right;">(CCEPS s. 20(2).)</div> |
| Alternate Review Process | (3) (a) | If the Ethics Commissioner is unable to act, then the Board Member, Employee, or Code Administrator, may apply to the Minister to determine an alternate review mechanism.   |
|                          | (b)     | Upon receiving an application under section 22(3)(a), the Minister shall consult with the Public Service Commissioner and, in writing, prescribe an alternate review mechanism.<br><br><div style="text-align: right;">(CCEPS s. 20(3).)</div>   |

## Part 9 Consequences

- |                       |        |   |
|-----------------------|--------|---|
| Repeal of Appointment | 23 (1) | A Board Member who does not comply with the provisions of this Code may, on the joint recommendation of the Code Administrator and the Minister, have their appointments repealed by the Lieutenant Governor in Council.  |
| Disciplinary Actions  | (2)    | An Employee who does not comply with the provisions of this Code may, on the recommendation of the Code Administrator, be subject to disciplinary action in accordance with the <i>Public Service Act</i> .<br><br><div style="text-align: right;">(CCEPS s. 21.)</div> |

## Part 10 Administrative Matters

- |             |    |   |
|-------------|----|---|
| Code Review | 24 | The Board shall review this Code every three years. |
|-------------|----|---|

- Distribution 25 (1) This Code is a public document, and shall be published on the Board’s website and otherwise be made available to the public.  
(CCEPS s. 11(3).)
- (2) This Code shall be provided to each Board Member and Employee on commencement of his appointment or employment with the Board and the Board Member or Employee shall sign a declaration acknowledging receipt of the Code.  
(CCEPS s. 3(3).)
- (3) This Code shall be distributed and discussed annually at a meeting of the Board.
- APAGA Compliance 26 This Code complies with the requirements of section 11 of the APAGA as detailed in the table below. (See also: Preamble.)

Provision of the APAGA EAB Code

11 (1)	Every public agency shall implement	
(a)	Code of conduct governing the conduct of its members, and	2(1).
(b)	a Code of conduct governing the conduct of its employees, if any.	2(1).
(2)	A Code of conduct referred to in subsection (1) must include provisions	
(a)	requiring members or employees to conduct themselves impartially in carrying out their duties,	6; 9.
(b)	prohibiting members or employees from acting in self interest or furthering their private interests by virtue of their position or through the carrying out of their duties,	8; 9; 10; 11; 12.
(c)	requiring members or employees to disclose real and apparent conflicts of interest, and	1(2); 7.
(d)	respecting any other matters specified in the regulations. (Note: There are no regulations as of August 2010.)	N/A.
(3)	A public agency shall make its Codes of conduct available to the public.	25.

AGS 27  
Compliance

This Code complies with the requirements of the *Generic Code of Conduct for a Public Agency* (January 29, 2010) as established by the AGS, as detailed in the table below.

Provision of the Generic Code	EAB Code
I.	Preamble
	Preamble.
	Application
	2(1).
	Integrity
	Preamble; 6(1).
	Reputation
	Preamble; 6(1).
	Sprit and Intent
	2(4).
	Due Diligence
	1(2)(b)(i).
	Transparency and Accountability
	Preamble; Background.
	Distribution
	25.
II.	Core Values
	3(2).
(a)	Impartiality and Integrity
	Preamble; 3(2)(a); 3(2)(b); 3(2)(c); 6(1).
(b)	Respect and Accountability
	Background; 3(2)(d).
III.	Guiding Principles
	3(3).
(a)	Public Interest
	Preamble; 3(2).
(b)	Steward of Public Resources
	Preamble; 3(2).
(c)	Upholding the Mandate
	Preamble; 3(2)(b); 3(2)(c).
(d)	Acting in Good Faith
	Preamble; 3(2)(b); 3(2)(c).
(e)	Fair, Reasonable, and Prudent
	1(2)(b)(i); 3(2); 3(3).
(f)	Same Rights
	Preamble.
(g)	Applicable Codes
	2(2); 2(3); 2(4); 2(5).
(h)	Application of Code
	2(1).
(i)	Disclosure at First Opportunity
	3(3)(b); 3(3)(c); 3(3)(e); 3(3)(f); 7(1); 7(2).
(j)	Disclosure Does Not Cure Conflict
	3(3)(d); 3(3)(g); 3(3)(h); 3(3)(i).
(k)	Reporting by Others
	2(5); 3(3); 4(2); 4(3); 4(5); 5(2).
(l)	Consequences
	23.
(m)	Resources
	2(5); 5(2); 21(1).

(n)	Annual Discussion	7(2); 25(2); 25(3).
IV.	Behaviour Standards	Preamble.
(a)	Legal Behaviour	Preamble; 3(2)(a); 3(2)(b); (3(2)(c); 6(2).
(b)	No Personal Gain	8; 9; 10; 11; 12.
(c)	Healthy Work Place	3(2)(c); 3(2)(d); 6(1).
(d)	Healthy Life Style	3(2)(b); 3(2)(c); 3(2)(d); 6(1); 9; 10(1).
(e)	Public Statements	19.
(f)	Avoiding Conflicts	6(1); 8; 9; 11; 12.
1.	Confidential Information	19.
2.	Gifts and Gratuities	17.
3.	Outside Activities	13; 14; 15; 16; 18; 20.
i.	Business Activities	16; 20.
ii.	Employment	13; 14.
iii.	Political Activity	18.
iv.	Volunteer Activities	15.
4.	Pre-Separation	13(6).
5.	Post-Separation	8(3); 19(3); 19(4).
6.	Property of Agency	20.
7.	Related Persons or Parties	Preamble; 6(1); 7(1); 8; 11; 12.
V.	Administrative	4; 5; 6; 21.
(a)	Administration	4(2); 4(3); 5; 6; 21.
(b)	Disclosure	3(3); 5; 7.
(c)	Reporting a Potential Breach by Another	2(5); 3(3); 4(2); 4(3); 4(5); 5(2).
(d)	Response to Breach	3(3); 5.
(e)	Consequences.	23.
(f)	Review of a Decision	21; 22.
VI.	Resources	Resources.
(a)	Where to Get Advice	2(5); 21.
(b)	Other Information	Resources; Cites.
VII.	Affirmation	Background; 24; 25.

## Environmental Appeals Board

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