

LEGISLATIVE ASSEMBLY OF BRITISH COLUMBIA
POLICY MANUAL

SECTION	Human Resources
POLICY	4015 – Standards of Conduct

Objective

The *Standards of Conduct* outline the principles, values and expected behaviours that guide employees of the Legislative Assembly in all activities related to their duties and define employer and employee responsibilities related to them. By committing to the values and adhering to the expected behaviours, employees foster the ethical culture at the Legislative Assembly workplace and contribute to confidence and trust in Members of the Legislative Assembly (“Members”) and the general public that employees are fulfilling their obligation to serve the Legislative Assembly with integrity, honesty, accountability and impartiality.

The requirement to comply with the *Standards of Conduct* is a term and condition of employment and requires confirmation on an annual basis by employees.

Application and Scope

The *Standards of Conduct* apply to all employees of the Legislative Assembly appointed under section 39 of the *Constitution Act* (R.S.B.C. 1996, c. 66) in respect of their conduct at and outside of the Legislative Assembly workplace.

Authority

Legislative Assembly operational policies are approved by the Clerk of the Legislative Assembly, as per *Policy 1100 – Creating and Updating Policies*.

Key Definitions

“**conflict of interest**” means a situation in which an employee has private interests, obligations or activities that could influence the performance of the employee’s duties or in which the employee uses their office or employment for personal gain. A **real** conflict of interest exists, an **apparent** conflict of interest could be perceived by a reasonable observer to exist, whether or not it is the case, and a **potential** conflict of interest could reasonable be foreseen to exist in the future;

“**direct relative**” means a spouse (including common-law spouse), parent, grandparent, grandchild, sibling and child. A person married or living in a common-law relationship to a direct relative as defined is also considered a direct relative if living in the same household;

“**gifts**” include commissions, rewards, advantages, benefits and hospitality;

“**social media**” refers to online technologies and practices used to share information and opinions, host or take part in conversations or to build relationships by producing, posting and interacting using text, images, video, and audio to communicate, share, collaborate or network. This

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includes and is not limited to social networks, video and photo file sharing, social bookmarking, blogs, micro-blogs, podcasting, wikis and other similar tools such as Facebook, Twitter, YouTube, Instagram, LinkedIn, and discussion forums.

1. General Policy

- .01 Employees must exhibit the highest standards of conduct.
- .02 The Legislative Assembly expects its employees to act with integrity, honesty, loyalty, accountability, impartiality, and in a manner that respects confidentiality.
- .03 Employee conduct must instill confidence and trust, and not bring the Legislative Assembly into disrepute in the eyes of the public. Further, the integrity of the Legislative Assembly departments demands the impartiality of employees in carrying out their duties in serving all Members of the Legislative Assembly.
- .04 The Legislative Assembly is a separate and autonomous institution with its own workplace environment. At the same time, Legislative Assembly staff share common values and ethics with the B.C. Public Service.
- .05 Any questions about the interpretation or application of the *Standards of Conduct* should be directed to the Director, Human Resource Operations.

2. Duty of Loyalty

- .01 Employees owe a duty of loyalty to the Legislative Assembly as their employer. This means employees must
 - a) act honestly and in good faith;
 - b) place the interests of the Legislative Assembly ahead of their own private interests;
 - c) refrain from public criticism of the Legislative Assembly; and
 - d) serve the Legislative Assembly to the best of their ability.

3. Confidentiality

- .01 Employees must safeguard and maintain confidential information.
- .02 Employees must not disclose, release or transmit confidential information to anyone other than to persons who are authorized to receive the information. Employees must safeguard the confidentiality of information even amongst themselves and limit access to other employees who have a direct business need (need to know principle).

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- .03 Employees who are in doubt as to whether certain information is confidential must ask their supervisor before disclosing, releasing or transmitting it.
- .04 Employees with care and control of personal or sensitive information, electronic media (e.g. flash drive) or devices (e.g. laptop, mobile phones) must handle and dispose of these in accordance with Legislative Assembly policies and guidelines.
- .05 The proper handling and protection of confidential information is applicable both within and outside of the Legislative Assembly workplace and continues to apply after an employment relationship ends.
- .06 The integrity of the Legislative Assembly is paramount. For this reason, any breach of confidentiality may be considered a breach of privilege and give rise to such proceedings as the Legislative Assembly may determine.

4. Legal Compliance

- .01 Employees must comply with all applicable laws.
- .02 Employees must not commit or condone an illegal or unethical act or instruct another employee or contractor/supplier to do so.
- .03 Employees must be sufficiently familiar with legislation that applies to their work to recognize potential liabilities and to know when to seek legal advice.

5. Non-Partisanship

- .01 Political neutrality is paramount to instill confidence and trust of Members and the public in Legislative Assembly departments.
- .02 Employees must provide services, and be seen to perform their duties, in a non-partisan manner at all times.
- .03 Employees must exercise caution in the management of their private affairs so as not to compromise, or raise doubt about, their ability to perform and to be seen to carry out their duties in a non-partisan manner.
- .04 Partisan politics at local, provincial or federal levels are not to be introduced in to the workplace. This does not apply to informal private discussions among co-workers.
- .05 If employees are in doubt as to whether their private affairs may jeopardize their impartiality or their ability to retain the perception of political neutrality, they should discuss it immediately with their

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manager, who may consult with the Director, Human Resource Operations.

6. Public Comment .01 Employees must avoid jeopardizing the perception of non-partisanship of Legislative Assembly departments by entering into public debate or advocacy regarding matters that may be the subject of partisan political debate in the Legislative Assembly. This does not apply to those employees who are involved, as part of their duties, in the presentation of Legislative Assembly management policies and decisions.

.02 Employees must at all times exercise an abundance of caution in how they conduct themselves at and away from the workplace, including on social media.

.03 Employees must not speak publicly or engage in any activity where doing so could be perceived as an official act or representation of the Legislative Assembly.

.04 Employees must ensure that their position is not seen to lend weight to any public expression of their personal opinions.

7. Conflict of Interest: General .01 In order that integrity, honesty, loyalty, and impartiality may always be beyond doubt, employees should avoid all conflicts of interest.

.02 The Legislative Assembly recognizes that its employees are individuals with private lives and involved in activities as citizens of their communities. Employees must keep their role as private citizens separate from their responsibilities as Legislative Assembly employees.

.03 A conflict of interest occurs when an employee's private interests are in conflict, or could result in a perception of conflict, with the employee's duties in such a way that

- a) the employee's ability to perform their duties in an objective manner is impaired;
- b) the employee's actions would compromise or undermine the trust that the Legislative Assembly and its Members and the public place in them;
- c) the employee's actions would compromise or undermine the integrity of the Legislative Assembly and bring the Legislative Assembly into disrepute in the eyes of the public.

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- .04 In order that honesty and impartiality exist and are seen to exist beyond doubt, employees must not place themselves in a position where they are under obligation to any person who may
 - a) benefit from special consideration or favour on their part; or
 - b) seek in any way to gain special treatment from them.

8. Conflict of Interest: Private Interests

- .01 Upon appointment to their office or position, employees must arrange their private affairs in a manner to avoid conflicts of interest.
- .02 Employees must exercise care in the management of their private affairs so as not to benefit, or appear to benefit, from the use of information that is acquired during the course of their duties, including information that is not available to the public.
- .03 Employees must not have a financial interest that could conflict in any manner with the performance of their duties.
- .04 Employees must not use their office, position, affiliation with, or property or other resource of the Legislative Assembly to pursue or enhance their private interests.
- .05 Employees must not place themselves in a position where they or a Member of the Legislative Assembly could derive any direct or indirect benefit or interest from any contracts to which the Legislative Assembly is a party over which they can influence decisions.
- .06 Employees must not accord, in the performance of their duties, preferential treatment to any person, including relatives or friends, or to any organization, including those in which they or their relatives or friends have an interest, financial or otherwise.

9. Conflict of Interest: Gifts

- .01 Employees must not accept from an individual, corporation or organization, directly or indirectly, any gifts, that arise out of their employment with the Legislative Assembly, other than:
 - a) the normal exchange of hospitality between persons doing business together;
 - b) tokens exchanged as part of protocol;
 - c) the normal presentation of gifts to persons participating in public functions, awards, speeches, lectures, presentations, or seminars; or
 - d) the normal exchange of gifts between friends.

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- .02 The following four criteria, when taken together, are intended to guide the judgment of employees who are considering the acceptance of a gift:
- a) the benefit is of nominal value;
 - b) the receipt and acceptance create no obligation;
 - c) reciprocation is easy; and
 - d) it occurs infrequently.

If employees are in doubt as to whether acceptance of a gift would be appropriate, they should discuss it immediately with their supervisor, who may consult with the Director, Human Resource Operations.

- .03 Employees must obtain approval from their supervisor and disclose any gifts that are given to them or received by them from a single source that have a retail value over \$100.00. All such gifts must meet the allowable exceptions outlined in section 9.01.

Employees must disclose such gifts using the *Gift Disclosure Form* within 30 days of receipt. Once completed, the form together with evidence of the supervisor's approval must be sent to the Director, Human Resource Operations, who is to maintain a public gift registry.

- .04 Inappropriate gifts offered or received by an employee should be returned to the donor with an explanation. In circumstances where this is not possible or ideal (e.g., the return of a gift in some cultures or business setting is considered offensive), an employee must refer the gift or benefit and the circumstances to their supervisor for guidance. Full and immediate disclosure to management will always be taken as good-faith compliance with this policy.

- .05 Employees must not solicit a gift on behalf of themselves or other employees.

10. Conflict of Interest: Outside Activities

- .01 Employees may hold an outside office, be employed by another employer, engage in volunteer activities, carry on a business or engage in other outside activities provided that such outside activity:
- a) does not create a conflict of interest;
 - b) does not place on them demands inconsistent with their duties;
 - c) does not interfere with the performance of their duties;
 - d) does not affect or call into question their capacity to perform their duties in an effective, objective and non-partisan manner;
 - e) does not benefit or is advantaged by their status as an employee of the Legislative Assembly;

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- f) is not performed in such a way as to appear to represent an opinion or policy of the Legislative Assembly;
- g) does not involve the use of Legislative Assembly premises, services, equipment or supplies to which they have access by virtue of their employment with the Legislative Assembly.

11. Conflict of Interest: Guidance and Disclosure

- .01 Within 30 days of becoming aware of a real or perceived conflict, employees must disclose to their supervisor, using the *Conflict of Interest Disclosure Form*, any private interest that might conceivably be construed as being in conflict with their duties.
- .02 When employees are in doubt as to whether or not they may be in a conflict of interest situation, they should discuss it immediately with their manager who will in turn bring it to the attention of the director. The director, in consultation with the Director, Human Resource Operations, will review the circumstances and advise the employee.
- .03 Supervisors must forward all *Conflict of Interest Disclosure Forms* received to the Director, Human Resource Operations, who is to maintain a confidential registry of all such disclosures.

12. Working Relationships

- .01 Employees who are direct relatives, permanently reside together or involved in a personal relationship outside work that compromises objectivity, or the perception of objectivity, should avoid being placed in a direct reporting relationship to one another.

A reporting relationship exists in the following situations:

- a) when one employee has influence, input or decision-making power over the other employee's performance evaluation, salary, potential for promotion, conditions of work, and similar matters;
- b) where the working relationship affords an opportunity for collusion between the two employees that would have a detrimental effect on the interests of the Legislative Assembly.

An exception may be made if the supervisor(s) of the employees and the Clerk of the Legislative Assembly, in consultation with the Director, Human Resource Operations, are satisfied that safeguards are in place to ensure that the Legislative Assembly's interests are not compromised.

- .02 Employees must not participate in staffing actions or human resource management decisions when their objectivity may be compromised.

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- .03 Employees must remain professional in their interactions with colleagues and must not engage in conduct that could reasonably be regarded by other employees as professional favouritism towards the other employee with whom they are directly related, sharing a household or in a relationship.
- .04 Employees must disclose to their manager or to the Director, Human Resource Operations, the existence of any relationship they have with another individual in the workplace that could reasonable be seen to compromise their objectivity and ability to perform their duties in a professional and impartial manner.
- .05 Any personal information disclosed pursuant to section 12.04 is to be held in confidence by the manager or the Director, Human Resource Operations, and used only to the extent required for operational purposes. All other uses require the consent of the employee unless one or more of the following apply:
 - a) the use is clearly in the interests of the employee and consent cannot be obtained in a timely way;
 - b) the information is available to the public;
 - c) the use is required or authorized by law;
 - d) it is reasonable to expect that the use with the consent of the employee would compromise an investigation or proceeding and the use is reasonable for the purposes related to an investigation or a proceeding.

13. Workplace Behaviour

- .01 Employees must treat others with dignity and respect.
- .02 The Legislative Assembly is committed to providing a work environment that is free of harassment and where all individuals are treated with dignity and respect. Employees have the right to expect, and the responsibility to create, a work environment where everyone feels safe and valued. Employees must report any incident or threat of violence to the Director, Human Resource Operations.
- .03 The Legislative Assembly will not tolerate any discriminatory, harassing, bullying, threatening or violent behavior against any employee, prospective employee, member of the public, or any other individual affiliated with the Legislative Assembly. Refer to *Policy 4020 – Respectful Workplace* for further information.
- .04 Employees must conduct themselves in a professional manner that contributes to a positive work environment for all.

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- .05 Employees must be free from impairment while at work, including alcohol, cannabis and drugs (prescription, non-prescription and illegal).
- .06 Employees must refrain from exploiting a work relationship for private advantage or benefit.

14. Duty to Report

- .01 Employees must report any situation of wrongdoing that they know to be or believe to involve the following:
 - a) a contravention of a policy including these *Standards of Conduct*;
 - b) a contravention of the law;
 - c) a misuse or mismanagement of Legislative Assembly funds or assets;
 - d) a danger to the health or safety of occupants and visitors to the Legislative Precinct.
- .02 Employees must bring any such situation to the attention of the
 - a) Clerk of the Legislative Assembly, either directly or through usual reporting channels through their supervisor;
 - b) Executive Financial Officer; or
 - c) Director, Human Resource Operations.
- .03 All such matters will be handled in confidence, unless disclosure is authorized or required by law.
- .04 Employees will not be subject to discipline or reprisal for bringing forward in good faith allegations of wrongdoing.

15. Oath of Employment

- .01 Employees must swear or affirm the Oath of Employment as a condition of employment.
- .02 The Oath of Employment reinforces the significant trust placed in employees of the Legislative Assembly and highlights the importance of integrity, honesty, loyalty, and impartiality in all that employees of the Legislative Assembly do.
- .03 The Oath of Employment will be administered to employees, within the first 30 days of employment, by the Clerk of the Legislative Assembly or a Commissioner for taking oaths in and for the Province of British Columbia.
- .04 The Oath of Employment is a legal document that forms part of an employee's personnel file. If employment is terminated and the

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employee is later employed again by the Legislative Assembly, the Oath of Employment must be sworn or affirmed again.

16. Standards of Conduct Requirements

- .01 Employees must do the following:
- a) read the *Standards of Conduct* at the beginning of their employment relationship with the Legislative Assembly;
 - b) sign off acknowledgement to abide by the *Standards of Conduct* with their signed Offer of Employment;
 - c) review the *Standards of Conduct* at least annually; and
 - d) sign off annually that they have read the *Standards of Conduct* and understand the policy.

Contact	Questions regarding this policy may be directed to Human Resource Operations at human.resources@leg.bc.ca .
Procedures	Oath of Employment <i>Annual Declaration Form – Standards of Conduct</i> <i>Gift Disclosure Form</i> <i>Conflict of Interest Disclosure Form</i>
References	Policy 4020 – Respectful Workplace



Approved and authorized by Kate Ryan-Lloyd,
Acting Clerk of the Legislative Assembly

September 9, 2019

Date

POLICY HISTORY	
Version 1	December 12, 1996
Version 2	March 26, 1999
Version 3	March 29, 2004
Version 4	September 9, 2019