

Code of Conduct

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PART 1 Preamble

1. The Code of Conduct (Code) for the Appeals Commission for Alberta Workers' Compensation (Appeals Commission) applies to all appeals commissioners (members) and employees. This Code does not apply to allegations of bias made in respect of appeals. The Appeals Commission has established a Protocol for Determining Bias Issues which governs any issues of conflict or bias raised in the context of an appeal.
2. The Code reflects a commitment to the Appeals Commission's values and provides a framework to guide ethical conduct in a way that upholds the integrity and reputation of the Appeals Commission. Members and employees are expected to behave in a way that aligns with this Code. They understand that this Code does not cover every specific scenario. Therefore, they use the spirit and intent behind this Code to guide their conduct, and exercise care and diligence in the course of their work with the Appeals Commission.
3. To demonstrate commitment to transparency and accountability, this Code is available to the public on the Appeals Commission's website.
4. The Code of Conduct and Ethics for the Public Service of Alberta (Public Service Code) applies to all Commissioners and employees. The provisions of the Public Service Code and this Code shall be read as harmonious and where in conflict, the more specific provisions shall apply.
5. This Code is in addition to any statute pertaining to actions of employees and to any instructions issued by the Government or Department Head to Deputy Heads or Senior Officials.
6. The previous Code of Conduct is rescinded and replaced by this Code of Conduct effective April 1, 2010.

PART 2 Core Values

A. The Commission's Values

i) Respect

7. We respect all persons treating them with honesty and integrity.
8. In our dealings with people we are truthful, ethical and straightforward.
9. We show respect by treating all people the way we would like to be treated. In doing so, we consider peoples thoughts, aspirations and feelings.

ii) Excellence

10. We are committed to excellence in service through quality and consistency.
11. We believe in setting high standards and striving to achieve them.
12. In order to achieve high standards of excellence, we recognize that we are accountable for our performance.
13. We promote a learning environment by providing opportunities for developing and enhancing skills and knowledge.

iii) Fairness

14. We achieve fairness through being independent, impartial and unbiased.
15. We achieve impartial decision-making and all our actions are independent, free from bias and prejudice.
16. We believe in treating all individuals equitably.

iv) Co-operation

17. We achieve co-operation through sincere, open communication and teamwork.
18. We are committed to open communication with each other and all individuals who utilize our services.

19. We value the freedom and comfort to share our thoughts and feelings, secure in the knowledge they will be given genuine consideration.
20. We work together as a team focused on the achievement of common, well defined goals.

PART 3 Guiding Principles

21. These principles guide the behaviour and decisions of members and employees.
22. The actions and decisions of members and employees are made pursuant to the *Workers' Compensation Act*. The Appeals Commission depends on its members to ensure that its decisions are timely, fair and just, and in accordance with the *Workers' Compensation Act* and other applicable legislation and policy.
23. Members and employees shall conduct themselves so that public confidence in the integrity, objectivity and independence of the Appeals Commission as a quasi-judicial adjudicative tribunal, is maintained and enhanced.
24. Members and employees have a responsibility to uphold the Appeals Commission's jurisdiction and act according to the powers given to them by the *Workers' Compensation Act*.
25. Members and employees have a responsibility to act in good faith and to place the interests of the Appeals Commission above their own private interests.
26. When a member or employee, as an individual, is subject to more than one code of conduct, the member or employee must consider the expectations in all. Members and employees understand that this Code is not intended to conflict with other Codes of Conduct, and will discuss any potential conflicts with their Supervisor or the Code Administrator.
 - i) The Code applies to all members and employees unless a specific exemption is granted by the Code Administrator. Nothing in this Code is meant to apply to allegations of bias or conflicts of interest raised with respect to appeals before the Appeals Commission. The Appeals Commission will adhere to the Protocol for Determining Bias Issues when those issues arise in the context of the hearing of an appeal.
 - ii) Members and employees know that when they become aware of a real or apparent conflict of interest, they must at the first opportunity, disclose this conflict to their Supervisor or the Code Administrator.
 - iii) Members and employees understand that disclosure itself does not remove a conflict of interest.

- iv) Members and employees encourage their colleagues to act fairly and ethically, and know that they are able to raise concerns about a suspected breach by another to their Supervisor or the Code Administrator without fear of reprisal.
- v) Members and employees know that breaches of this Code may result in disciplinary action, up to and including removal of the member or termination of the employee.
- vi) Members and employees know that if they have any questions about the Code, or are not sure how to apply these principles, they should consult with their Supervisor or the Code Administrator.
- vii) Each member and employee confirms, upon commencement of employment (including appointment and re-appointment by order-in-council), their understanding of, and commitment to, the Code's expectations.

PART 4 Behavioural Standards

27. Behavioural standards help members and employees make appropriate decisions when the issues they face involve ethical considerations. Behavioural standards cannot cover all scenarios, but provide guidance in support of day-to-day decisions. All members and employees must adhere to the following standards:
28. Members and employees must not engage in any criminal activity and must comply with all relevant laws, regulations, policies and procedures.
29. Members and employees must not use their status or position with the Appeals Commission to influence or gain a benefit or advantage for themselves or others.
30. Member and employee conduct contributes to a safe and healthy workplace that is free from discrimination, harassment or violence.
31. Members and employees must not use drugs or alcohol in a way that affects their performance and safety or the performance and safety of their colleagues, or that negatively impacts the reputation or operations of the Appeals Commission.
32. Members and employees must act in a way that is consistent with the Appeals Commission's protocols on public comment.
33. Members and employees must take reasonable steps to avoid situations where they may be placed in a real or apparent conflict between their private interests and the interests of the Appeals Commission. In other words, actions or decisions that members and employees take on behalf of the Appeals Commission must not provide them with an opportunity to further the private interests of themselves, their families, their business associates or others with whom they have a significant personal or business relationship.
 - i) Confidential Information – Members and employees must respect and protect confidential information, use it only for the work of the Appeals Commission and not for personal gain. Members and employees must comply with protocols that guide the collection, storage, use, transmission and disclosure of information.
 - ii) Gifts and Gratuities – Members and employees must not accept or receive gifts and gratuities other than the normal exchange of gifts between friends or business colleagues, tokens exchanged as part of protocol or the normal presentation of gifts to people participating in public functions.

- iii) Outside Activities – Members and employees must avoid participating in outside activities that conflict with the interests and work of the Appeals Commission. For example:
 - a) Business Interests – Members and employees must not hold interests in a business directly or indirectly through a relative or friend that could benefit from, or influence, the decisions of the Appeals Commission.
 - b) Employment – Members must not take employment, and employees must not take supplementary employment, that affects their performance or impartiality with the Appeals Commission.
 - c) Political Activity – Members and employees may participate in political activities including membership in a political party, supporting a candidate for elected office or seeking elected office. However, they must not participate directly in soliciting contributions for a political party. In addition, any political activity must be clearly separated from activities related to the work for the Appeals Commission, must not be done while carrying out the work of the Appeals Commission and must not make use of Appeals Commission facilities, equipment or resources in support of these activities.
 - d) Volunteer Activity – If members and employees are involved in volunteer work, the activity must not influence or conflict with decisions relating to the Appeals Commission.
- iv) Pre-Separation – Members and employees considering a new offer of appointment or employment must be aware of and manage any potential conflicts of interest between their current position and their future circumstance, and must remove themselves from any decisions affecting their new appointment or employment.
- v) Post-Separation – Once members and employees have left the Appeals Commission, they must not disclose confidential information that they became aware of during their time with the Appeals Commission and must not use their contacts with their former colleagues to gain an unfair advantage for their current circumstance.
- vi) Property – Members and employees may have limited use of the Appeals Commission's premises and equipment for authorized incidental purposes providing such use involves minimal additional expense to the Appeals Commission, must not be performed on the member or employee's work time,

must not interfere with the mission of the Appeals Commission and must not support a personal, private business.

- vii) **Related Persons or Parties** – The Appeals Commission has adopted guidelines to deal with potential bias which governs the conduct of members when dealing with appeals. Employees must avoid dealing with those in which the relationship between them might result in an allegation of bias.

PART 5 Administrative Processes

A. Administration

34. Administrative processes help members and employees manage ethical dilemmas, including any real or apparent conflict of interest concerns.
35. The Code Administrator for members and employees is the Chief Appeals Commissioner.
36. The Code Administrator for the Chief Appeals Commissioner is the Ethics Commissioner.
37. The Code Administrator receives and ensures the confidentiality of all disclosures, except for disclosures made to the Ethics Commissioner, pursuant to the cabinet directive regarding Financial Disclosure and Conflicts of Interest dated February 3, 1993.
38. The Code Administrator ensures that any real or apparent conflict of interest is avoided or effectively managed. As well, the Code Administrator is responsible for providing advice and managing all concerns and complaints concerning potential breaches of the Code within the Appeals Commission.

B. Disclosure

39. It is the responsibility of each member and employee to declare in writing to the Code Administrator, those private interests and relationships that they think could be seen to impact the decisions or actions they take on behalf of the Appeals Commission.
40. When there is a change in their responsibilities within the Appeals Commission or in their personal circumstance, members and employees shall disclose in writing, any relevant new or additional information about those interests as soon as possible. Where a real or apparent conflict of interest cannot be avoided, members and employees must take the appropriate steps to manage the conflict.
41. Members must govern themselves in accordance with the Protocol for Determining Bias Issues when involved in an appeal. Where this Code is applicable, members and employees disclose real or

apparent conflicts of interest, so that the Code Administrator is aware of situations that could be seen as influencing the decisions or actions they are making on behalf of the Appeals Commission. This provides members and employees, following a review by the Code Administrator, an opportunity to take action to minimize or remove the conflict. To actively manage a conflict of interest, options include:

- i) Removing themselves from matters in which the conflict exists or is perceived to exist;
- ii) Giving up the particular private interest causing the conflict; and
- iii) In rare circumstances, resigning their position with the Appeals Commission.

C. Reporting a Potential Breach by Another

- 42. Members and employees are encouraged to report in writing, a potential breach of this Code by another; to their Supervisor for employees or the Code Administrator for members and employees. When reporting a potential breach in good faith and with reasonable grounds, members and employees are protected from retaliation for such reporting.

D. Responding to Potential Breach

- 43. Once a potential breach has been reported, the Appeals Commission's procedures for responding to and managing a potential breach will be promptly initiated.
- 44. The Code Administrator will review the circumstance and details of the potential breach and will notify the alleged member or employee. The alleged member or employee has the right to complete information and the right to respond fully to the potential breach. The identity of the reporter will not be disclosed unless, required by law or in a legal proceeding.
- 45. The Code Administrator makes the final internal decision and completes a report of the review in a timely manner. The decision may range from finding no potential breach to one that reveals suspected criminal conduct.
 - i) Members and employees who do not comply with the standards of behaviour identified in this Code, including taking part in a decision or action that furthers their private interests,

may be subject to disciplinary action up to and including removal of the member or termination of the employee.

- ii) Members and employees can request in writing that, the Ethics Commissioner review a decision that has been made by the Code Administrator about a real or apparent breach of the Code, including a conflict of interest involving that member or employee.

PART 6 Other Resources

A. Where to Get Advice

46. When members and employees require advice and guidance in determining whether misconduct or a conflict exists, or need clarification, they may discuss their issue with:
- i) An employee Supervisor;
 - ii) The Code Administrator; or
 - iii) The Appeals Commission's General Counsel

B. Questions to Consider

47. When members and employees are faced with a difficult situation, the following questions may help them decide the right course of action:
- iv) Have I reflected on or consulted with my Supervisor or the Code Administrator about whether I am compromising the Code's values, principles or behavioural standards?
 - v) Have I considered the issue from a legal perspective?
 - vi) Have I investigated whether my behaviour aligns with a policy or procedure of the Appeals Commission?
 - vii) Could my private interests or relationships be viewed as impairing my objectivity?
 - viii) Could my decision or action be viewed as resulting in personal gain, financial or otherwise?
 - ix) Could my decisions or actions be perceived as granting or receiving preferential treatment?

PART 7 Affirmation

48. The Code of Conduct for the Appeals Commission for Alberta Workers' Compensation is applicable effective April 1, 2010 and is reviewed regularly to ensure it remains current and relevant.