

# Standards of Conduct Guidelines for the B.C. Public Sector

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# Standards of Conduct Guidelines for the B.C. Public Sector

## Executive summary

Further to Premier Clark's announcement on June 11, 2014 on the new taxpayer accountability principles, government is now providing detailed guidance to standardize codes of ethics/standards of conduct for employees in the public sector.

The Crown corporation and core reviews conducted to date have identified opportunities to enhance public sector agencies' accountability to taxpayers. One of these opportunities is greater standardization of codes of conduct by establishing or revising codes of conduct for all provincial public sector organizations including Crown corporations, health authorities, and post-secondary institutions.

### Objective

Each public sector entity must have a code of ethics/standards of conduct for employees in the public sector. The guidelines provided by government allow flexibility to tailor the code to each public sector organization's unique circumstances. Codes of conduct will be approved by the Minister responsible for the *Public Sector Employers Act*.

### Purpose

Integrity is a core value of the B.C. public sector. It is a fundamental principle that all public sector entities are accountable for their actions, and ensure they demonstrate integrity in their behaviour and general conduct of business, and that they act in an honest and ethical manner at all times. Public sector entities must ensure the decisions they make reflect the priorities and values of government and their shareholders—the citizens of B.C.

Each public sector entity will develop its own code of ethics/standards of conduct to set out certain principles and standards of conduct that all personnel are expected to follow in their day-to-day dealings with customers, suppliers, fellow employees, investors, governmental agencies, other stakeholders, competitors, and with the communities in which their organization does business.

### Scope

The scope of the code of conduct will vary depending on the nature of the agency. At a minimum, each public sector entity must consider the headings in this document as they revise or develop their code of ethics/standards of conduct. In the event these headings do not apply, public sector entities should inform and discuss this with the Public Sector Employers' Council (PSEC).

Several examples from existing codes of conduct from Crown agencies are provided under these headings, which are available to use as a reference. Codes may be augmented by appendices that provide more detail on policies or legislation.

## Elements to consider in developing codes of ethics/standards of conduct

### *Statement of purpose and application of the code*

Describe the level of management or position titles this code or specific sections apply to the organization, and the organization's expectation that the spirit and intent of this code will be adhered to by those who enforce it and those who are guided by it. This is where it is appropriate to mention that it is every employee's obligation to learn and understand this code, and to note where employees can discuss any questions or concerns they may have with this policy (see references section, B.C. Public Service, page 1).

### **Integrity, Impartiality and Accountability**

*An overarching statement on the importance of the principles listed in this section may be appropriate.*

#### **Conflict of interest**

Describe conflict of interest. This includes how staff will avoid real or perceived conflicts of interest between their work and personal interests to ensure that honest and fair decisions can be made by each employee on behalf of the organization.

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#### **Conflict of interest principles**

Describe the organization's conflict of interest principles. This may include: a set of questions that an employee could ask himself or herself to see if that individual is in a conflict of interest (see ICBC, page 4); or a set of guidelines (see BCLC, page 12).

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#### **Conflict of interest disclosure – including investment activity**

Describe any specific situations where it is necessary for an employee or board member to disclose a conflict of interest, how this can be done, to whom, and when this needs to be completed.

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#### **Future employment restrictions**

Describe the organization's restrictions on future employment for current employees, paying particular attention to executives. Further guidance in this area may be found in the section below on how previous employees can use corporate knowledge. This section should also be supported by the conflict of interest policies. At a minimum, these restrictions must be equal to those in the B.C. public service. This includes a one-year restriction on employment with related entities and the requirement to immediately disclose the prospect of other employment.

Close liaison with PSEC, and potentially legal advice, may assist in determining the application of this section for the organization. If required, PSEC will assist by providing feedback on how to develop policy in this area and how to apply this section. The exemption process must include approval by the Minister responsible for the *Public Sector Employers Act*.

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<p><b>Acceptance of gifts, entertainment, benefits and favours (include a policy on travel points in this section)</b></p>	<p>Provide the organization’s position on what, if any, gifts, entertainment, benefits, or favours (including cash) are acceptable (and if so, to what maximum dollar value). This section should also mention where and when it is appropriate or necessary to report offerings to the organization.</p> <p><b>Taxpayer accountability principles: Integrity</b></p>
<p><b>Outside interests/impartiality</b></p>	<p>Describe the organization’s policy on impartiality. The intent of this section is to ensure that a decision made by a public sector employee is not influenced or perceived to be influenced by a personal interest. This section may refer back to the “conflict of interest and disclosure” section. At a minimum, the policy must provide guidance to employees in the areas listed below:</p> <ul style="list-style-type: none"> <li>○ outside business interests;</li> <li>○ non-profit societies and charities;</li> <li>○ professional associations;</li> <li>○ business relationships with suppliers and contractors (past, present and prospective);</li> <li>○ politics or political parties;</li> <li>○ outside employment; and</li> <li>○ interaction with stakeholder business.</li> </ul> <p><b>Taxpayer accountability principles: Integrity</b></p>
<p><b>Personal conduct</b></p>	<p>Describe the organization’s policy on personal relationships in the workplace. It would be appropriate to provide detail on which organizational decisions, including (but not limited to) hiring, evaluation, or promotion, are not acceptable by a decision-maker who has a personal relationship with an employee who could benefit from the decision (see ICBC, page 9).</p> <p>Specific to the organization, describe the policy on transactions between employees and the organization, and where employees may use or leverage their role as employees to gain personal advantages (see ICBC, page 17).</p> <p>Outline behaviour that is inappropriate for a representative of the organization to display outside of work see (see ICBC, page 24). This section may refer to personal business that employees are engaged in outside of the organization.</p> <p><b>Taxpayer accountability principles: Respect &amp; Integrity</b></p>
<p><b>Use of corporate property, including retention of records, patents and discoveries (intellectual property rights)</b></p>	<p>Describe the organization’s policy on using corporate property, which may include in its scope all physical information, intellectual property and human resources assets managed by the organization. See BCLC’s code for examples of physical asset language. Hydro One provides a description of intellectual property language (see Hydro One, page 20).</p> <p><b>Taxpayer accountability principles: Service</b></p>

## Protection of Privacy

*An overarching statement on the importance of the principles listed in this section is appropriate, including a reference to the Freedom of Information and Protection of Privacy Act (see BCLC, page 19). The list below is not exhaustive and should be added to as appropriate.*

<b>Client/customer</b>	Describe the organization's policy for protecting client or customer personal information (see ICBC, page 21).  <b>Taxpayer accountability principles: Respect &amp; Integrity</b>
<b>Contractor</b>	Describe the organization's policy for protecting contractor information (see BCLC, page 20)  <b>Taxpayer accountability principles: Respect &amp; Integrity</b>
<b>Supplier</b>	Describe the organization's policy for protecting supplier information (see BCLC, page 20)  <b>Taxpayer accountability principles: Respect &amp; Integrity</b>

## Protection of General Corporate Information

*An overarching statement on the importance of the principles listed in this section is appropriate.*

<b>Corporate information during employment</b>	Describe the organization's policy for confidentiality of corporate information for current employees. This is an opportunity to provide the organization's policy on information and data that is the property of the organization, and the organization's expectations on the disclosure of that information outside of the organization (see ICBC, page 27).  <b>Taxpayer accountability principles: Respect &amp; Integrity</b>
<b>Corporate information after employment</b>	Describe a policy for confidentiality of corporate information post-employment.  <b>Taxpayer accountability principles: Respect &amp; Integrity</b>

## Commitment and Compliance

*An overarching statement on the importance of the principles listed in this section is appropriate (see B.C. Public Service, page 1 – under “Standards of Conduct”). Employers will work with PSEC to determine appropriate enforcement measures for standards of conduct.*

<b>Compliance with the code</b>	Provide detail on who is responsible for ensuring the code is being upheld  <b>Taxpayer accountability principles: Accountability &amp; Integrity</b>
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## Compliance with law

Describe the organization's expectations of employees, focusing on those that could affect the organization the most. Information on how an employee can report any acts that contravene the law would be appropriate here (see B.C. Public Service, page 4).

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## Reporting

*An overarching statement on the importance of having a reporting system that allows for employees to report violations to this code without retaliation is appropriate in this section.*

## Reporting a violation of the code, whistleblowing

Describe how and where an employee may seek advice on making a report, the process for reporting a violation of this code, and that there will be no retaliation, and/or the anonymity process involved in processing and investigating the potential violation (see ICBC, pages 32, 34, 36). Refer to the organization's "Whistleblower" policy in this section if the organization has one.

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## Other, including other items unique to a particular employer's or employee's line of work

Describe in this section anything that is not covered in the rest of the standards of conduct document. This may be in the form of appendices or it may be a section that is specific to the nature of the organization and its organizational needs. This should also include information about when the code of conduct was last updated, approved by the Board of Directors and publicly posted.

## Exceptions

Although they are rare, an overarching statement on how exceptions may be considered is appropriate. This must also include the requirement that exceptions be approved by the Minister responsible for PSEC.

## References

B.C. Lottery Corporation (BCLC):

<http://corporate.bclc.com/content/dam/bclc/corporate/documents/soebc-for-employees.pdf>

B.C. Public Service:

[http://www.bcpublicserviceagency.gov.bc.ca/policy/down/HR\\_policy/09\\_Standards\\_Conduct.pdf](http://www.bcpublicserviceagency.gov.bc.ca/policy/down/HR_policy/09_Standards_Conduct.pdf)

Insurance Corporation of B.C. (ICBC):

<http://www.icbc.com/about-icbc/company-info/Documents/ICBC-code-of-ethics.pdf>

Hydro One:

[http://www.hydroone.com/Careers/Documents/Code\\_of\\_Business\\_Conduct.pdf](http://www.hydroone.com/Careers/Documents/Code_of_Business_Conduct.pdf)