



BOARD OF DIRECTORS POLICY No. 6-6

Approved: October 7, 2016

BCPSEA Standards of Conduct

This Policy applies to all persons employed at the British Columbia Public School Employers' Association (BCPSEA). The Policy supports the intention that all BCPSEA employees exhibit the highest "standards of conduct."

It is every employee's obligation to read, understand, and comply with these standards of conduct. Employees may discuss any questions or concerns they may have in respect to the standards of conduct with their direct supervisor. The Chief Executive Officer (CEO) has overall responsibility for ensuring that this Policy is upheld.

Conflict of Interest

As the employers' association and accredited bargaining agent for the 60 public boards of education in the province of British Columbia, BCPSEA has established guidelines to assist employees in avoiding situations where they may have a conflict of interest or where other BCPSEA staff, BCPSEA members, or members of the public could perceive a conflict of interest exists.

There are two types of conflict of interest: actual and apparent.

1. Actual Conflict of Interest

An actual conflict of interest occurs when an employee has knowledge of a personal interest and, in performing his or her duties and responsibilities as an employee of BCPSEA, knows that there is opportunity to further his or her monetary or non-monetary interests, or the monetary or non-monetary interests of his or her parent(s), spouse, child, or friend.

2. Apparent Conflict of Interest

An apparent conflict of interest occurs when there is a reasonable perception, which a reasonably well-informed person could properly have, that in the exercise of his or her duties and responsibilities as a BCPSEA employee, an employee may have been influenced in representing the interests of BCPSEA by his or her personal interests.

Examples of conflict of interest include, but are not limited to:

- an employee uses BCPSEA property or his/her position, office, or affiliation to pursue personal interests or matters not of general advantage to the association.
- an employee, in the performance of his/her duties, gives preferential treatment to an individual, corporation or organization, including a non-profit organization, in which the employee, or a relative or a friend of the employee, has an interest, financial or otherwise.
- an employee benefits from, or is reasonably perceived to have benefitted from, the use of information acquired solely by reason of the employee's employment.
- an employee benefits from, or is reasonably perceived to have benefitted from, an organizational transaction over which the employee can influence decisions (e.g., investments, sales, purchases, borrowing, grants, contracts, regulatory or discretionary approvals, appointments).
- an employee requests or accepts from an individual, corporation, organization, directly or indirectly, a personal gift or benefits that arises out of their employment with BCPSEA, with the exception of:
 - the exchange of hospitality between persons doing business together
 - the normal presentation of gifts to persons participating in association or public functions or the normal exchange of gifts between friends.

Employees with questions regarding the interpretation of this policy should discuss them with the CEO or designate.

Employees who find themselves in an actual, perceived or potential conflict of interest position must disclose the particulars in writing to the CEO or designate.

Upon disclosure, the CEO will evaluate whether there is a conflict of interest and determine what steps will be taken to ensure that the interests of BCPSEA are protected.

Workplace Behaviour and Conduct

Employees are to treat each other with respect and dignity and must not engage in discriminatory conduct prohibited by the *Human Rights Code*. The prohibited grounds are race, colour, ancestry, place of origin, religion, family status, marital status, physical disability, mental disability, sex, sexual orientation, age, political belief or conviction of a criminal or summary offence unrelated to the individual's employment.

The conduct of BCPSEA employees in the workplace must meet acceptable social standards and must contribute to a positive work environment.

Employees involved in a personal relationship outside work with another employee that may compromise their objectivity, or the perception of objectivity, should avoid being placed in a direct reporting relationship to one another.

Employees are to disqualify themselves as participants in human resource decisions when their objectivity would be compromised for any reason, or a benefit or perceived benefit could accrue to them.

Employees have a duty to report any situation relevant to BCPSEA that they believe contravenes the law, misuses public funds or assets, or represents a danger to public health or safety. Employees can expect such matters to be treated in confidence, unless disclosure of information is authorized or required by law.

Employees will not be subject to discipline or reprisal for bringing forward to their immediate supervisor, in good faith, allegations of wrongdoing in accordance with this policy.

Confidentiality

BCPSEA is the accredited bargaining agent for all public school employers. As such, the association often operates within what can be characterized as a highly political environment. Among its primary responsibilities, the association is involved in labour relations activities which necessitate a high degree of discretion and confidentiality.

From time to time, employees will have access to information which must be considered confidential. In such circumstances employees must ensure that they do not divulge such information outside of the association other than to persons authorized to receive it in the course of their duties.

Employees with care and control of electronic media or devices containing confidential information must handle and dispose of those appropriately.

Any questions concerning access to information and confidentiality should be directed to the CEO.

Termination of Employment

In accordance with the BCPSEA Terms and Conditions of Employment, should a BCPSEA employee be terminated for reasons other than cause, the employee shall be provided with notice of termination consistent with the provisions of the *Employment Termination Standards Regulation of the Public Sector Employers Act*.

Employees will not divulge, disclose or otherwise use confidential information obtained through their employment with BCPSEA or any proprietary material of BCPSEA following the conclusion of their employment with BCPSEA without the written permission of BCPSEA.

Post-employment Restriction for BCPSEA Senior Executives

The following restrictions apply to BCPSEA senior executives:

- If the individual had a substantial involvement in dealings with an outside entity at any time during the year immediately preceding the end of the individual's employment then, for a year after the end of the employment, the individual must not:
 - (i) accept an offer of employment, an appointment to the board of directors or a contract to provide services to that outside entity;

- (ii) lobby or otherwise make representations for that outside entity to BCPSEA;
- (iii) give counsel to that outside entity, for its commercial purposes, concerning the programs or policies of BCPSEA.
- Until one year after the individual's employment ends, the individual:
 - (i) must not lobby or otherwise make representations for any outside entity to BCPSEA; or
 - (ii) act for an outside entity in connection with any ongoing proceedings, transaction, negotiation or case in which the outside entity and BCPSEA are involved if:
 - (a) the individual, during his or her former employment with BCPSEA, acted for or advised BCPSEA concerning the proceedings, transaction, negotiation or case; and
 - (b) acting for the outside entity in that connection would result in the receipt by the outside entity of a private or commercial benefit or of any benefit not for general application.
- The BCPSEA Board of Directors may reduce the one-year restriction, upon the individual's application, after considering the following:
 - (i) the circumstances under which the individual's employment ended;
 - (ii) the individual's general employment prospects;
 - (iii) the significance to BCPSEA of the information possessed by the individual;
 - (iv) the desirability of a rapid transfer of the individual's skills to a new employer; and
 - (v) the degree to which the new employer might gain unfair commercial advantage by hiring the individual.

Association Memberships and Outside Activities

Professional associations – Employees are encouraged to become members of professional associations in their area of practice at BCPSEA. Where the association provides for professional designation or certification, BCPSEA will reimburse employees for the dues/fees for membership provided that the employee undertakes the activities necessary to meet designation/certification requirements and in so doing maintains the designation or certification.

Other associations – BCPSEA believes that it is necessary for the association and BCPSEA practitioners to be represented in associations involved with the labour relations community, the K-12 public education human resource community or associations related to the mandate of the association. Where BCPSEA funds an employee's membership, the employee is expected to contribute to the work of the association and actively participate in association activities.

Employees must not engage in conduct outside of work that would seriously undermine or harm BCPSEA's reputation. Employees will be accountable for any such conduct.

Employees may hold jobs outside BCPSEA, carry on a business or receive remuneration from public funds for activities outside their position, or engage in volunteer work provided it does not:

- interfere with the performance of their duties as a BCPSEA employee;
- bring BCPSEA into disrepute;
- represent a conflict of interest or create a reasonable perception of a conflict of interest;
- appear to be an official act or to represent BCPSEA opinion or policy;
- involve the unauthorized use of work time or BCPSEA premises, services, equipment or supplies; or
- gain an advantage that is derived from their employment with BCPSEA.

Proprietary Material and BCPSEA Assets

“Proprietary Material” means all materials, including reports, computer databases, educational materials and such, created by an employee in the course of their employment with BCPSEA, or created by BCPSEA to which an employee has access in the course of their employment with BCPSEA.

Proprietary Material is the sole property of BCPSEA. Employees will not use the Proprietary Material for purposes other than their employment with BCPSEA.

Employees have an obligation to safeguard all BCPSEA assets including Proprietary Material and report any unauthorized access, loss, damage or theft immediately.

BCPSEA Standards of Conduct – Responsibilities and Procedures

Responsibilities:

Chief Executive Officer (CEO)

- Provide timely advice to employees respecting this policy statement including guidance and action on an appropriate employer response to transgressions of the standards of conduct.

Chief Administrative Officer (CAO)

- Advise employees of the required standards of conduct and the consequences of non-compliance;
- Coordinate the development of awareness, training and communication programs in support of these standards of conduct;
- Promote a work environment that is free of discrimination;
- Deal with breaches of these standards of conduct in a timely manner, taking the appropriate action based upon the facts and circumstances.

All Employees

- Read, understand and comply with these standards of conduct;
- Objectively and loyally fulfill their assigned duties and responsibilities;
- Disclose and resolve conflicts of interest or potential conflict of interest situations in which they find themselves;
- Maintain appropriate workplace behaviour;
- Avoid engaging in discriminatory conduct or comment; and
- Check with their supervisor or manager when they are uncertain about any aspect of the standards of conduct.

Procedures:

- An employee who believes another employee is in breach of these standards of conduct should, if it is reasonable to do so in the circumstances, ask the other individual to discuss the behaviour or difference to try to resolve the matter.
- If the employee is not comfortable raising the matter directly with the other employee, or if the matter is not resolved by the involved employees, the employee should advise the Chief Administrative Officer (CAO) of the issue as soon as possible. The CAO will promptly review the matter and assist the employees to attempt to resolve the matter in a fair and impartial manner.
- If the matter remains unresolved, the CAO will determine how to proceed to resolve, or will assign an internal investigator or retain an external party for assistance with mediation, investigation and/or intervention. The CAO may, among other options, request that the complaint be put in writing and provide the following information:
 - a. The name(s) of the parties involved
 - b. The location, date and time of the incident(s)
 - c. Any witnesses to the incident(s)
 - d. Details about the incident(s) and/or behaviour
 - e. Any additional details, documents and/or physical evidence that would assist with an investigation such as emails or handwritten notes
- The investigator will keep a written confidential record of findings.
- If the matter involves the CAO, the Chief Executive Officer (CEO) should be notified. If the matter involves the CEO, the BCPSEA Board of Directors should be notified. The CEO or BCPSEA Board of Directors, depending on the circumstances, may, among other things, request that a complaint be put in writing, assign an investigator or retain an external party for assistance with mediation, investigation and/or intervention.
- The CEO (or BCPSEA Board of Directors in the circumstances of a matter involving the CEO) will make the final decision with respect to any remedial and/or disciplinary action, up to and including termination of employment, for violation of these standards of conduct.
- All employees will be provided a copy of the BCPSEA Standards of Conduct upon hire. The BCPSEA Standards of Conduct will be posted on the BCPSEA employee bulletin board, be publically posted on the BCPSEA website, and will be made available to employees at any time through the CAO or designate.