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Natural Resources Conservation Board Code of Conduct

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Introduction

The Natural Resources Conservation Board's (NRCB) *Code of Conduct* is an expression of the NRCB's intent to uphold the highest ethical standards so that public trust and confidence in the integrity, objectivity, and impartiality of the NRCB are preserved and enhanced.

This document is approved by the Board and the Office of the Ethics Commissioner and is effective 60 days after being made public. It will be reviewed at least every five years by the Code Administrator and an Ethics Committee established by the Code Administrator to ensure its ongoing effectiveness.

This document is available to all NRCB Employees on its internal intranet site and is publicly available on the NRCB website. This document has been sent to Alberta's Ethics Commissioner to ensure it follows the requirements of the *Conflicts of Interest Act*, RSA 2000, C-23.

In addition to the *Code of Conduct*, employees must know and adhere to the following internal NRCB policies. These policies are provided for ease of reference on the NRCB intranet site:

- Electronic System Use Policy
- Human Resources Policies and Benefits Manual
- Working With Pride and Dignity for the Natural Resources Conservation Board: A Guide to Understanding Our Respectful Workplace Policy
- Social Media Policy

Definitions

- Acting Board Member—is a person who has been nominated by the Lieutenant Governor in Council and named by the Board Chair in accordance with section 16 of the *Natural Resources Conservation Board Act*.
- Adult Interdependent Partner—means a relationship outside of marriage in which two people share one another's lives, are emotionally committed to one another, and function as an economic and domestic unit. A person is the Adult Interdependent Partner of another person if they have entered into a written Adult Interdependent Partnership Agreement, or if they are not related by blood or adoption and (a) the person has lived with the other person in a relationship of interdependence (b) for a continuous period of not less than three years, or (c) of some permanence, if there is a child of the relationship by birth or adoption.
- Code Administrator—means the position that is responsible for providing information and guidance regarding administration of the *Code of Conduct*. This responsibility is assigned to the NRCB's human resources consultant. The Code Administrator is also responsible for initial fact finding and investigation of complaints, maintaining the record, and initiating a review by the Ethics Committee.
- Employee—means all full and part-time Employees of the NRCB, including the Board Chair, the chief executive officer, Board members, Board staff, and all operations staff.
- Ethics Committee—means the committee that is responsible for investigating a potential breach and issuing a decision. Committee members will vary depending on the position involved in the potential breach, as described under "Receiving and investigating disclosures, complaints, and response to a breach," below.
- Manager—means the position to which the Employee reports. For operations, "Manager" means the manager of the division the Employee works within and the chief executive officer. "Manager" for Board members and Board staff means the Board Chair.
- Minor Child—a minor that the Employee has demonstrated a settled intention to treat as a child within their family.

- Private Interest—means a financial interest of the Employee that is more than trivial and that specifically applies to that Employee. It does not include publicly-traded securities held in the Employee's blind trust or in an investment arrangement.
- Spouse—means the Spouse of a married person. It does not include a Spouse who is separated from the Employee under a written separation agreement or whose support obligations and family property have been dealt with by a court order.

Basic principles

Albertans have a right to service that is conducted with impartiality and integrity. This obligation to Albertans demands that there not be, nor seem to be, any conflict between the private interests of Employees and their duty to the public. At the same time, Employees should enjoy the same rights in their private dealings as any other citizens, unless it can be demonstrated that a restriction is essential to the public interest.

The NRCB is committed to providing fairness, competency, and quality service, in accordance with the following principles:

- NRCB Employees will treat members of the public and one another fairly.
- NRCB Employees will perform their duties with integrity, impartiality, and objectivity.
- NRCB Employees will maintain confidentiality of information or documents.
- NRCB Employees will not use their public role for personal gain.
- NRCB Employees will disclose in writing any actual or perceived conflict of interest that they believe could influence or be seen to influence decisions they or others may make, or actions that they may take on behalf of the NRCB.

Application of the Code of Conduct

This document applies to all Employees as defined above. Acting Board Members are subject only to the *Code of Conduct: Acting Board Members*.

The Board Chair, in consultation with the chief executive officer and Ethics Committee, has the authority in exceptional circumstances to exempt an Employee from the application of a specific provision.

Administration of the Code of Conduct

The Code Administrator:

- receives and ensures the confidentiality of all inquiries and disclosures,
- provides advice and manages concerns and complaints concerning potential breaches of the Code of Conduct, including conflicts of interest within the NRCB,
- assesses the need to initiate a review by the Ethics Committee, and
- ensures procedural fairness.

Changes to the *Code of Conduct* require approval by NRCB management and the Board and must be submitted to and approved by Alberta's Ethics Commissioner. In accordance with this policy, the Code Administrator may convene an Ethics Committee to review an issue and consult with the management team and Board. The Code Administrator may also issue instructions as necessary for implementation of the *Code of Conduct*.

The Code Administrator may issue supplementary instructions that modify but do not detract from matters dealt with in the *Code of Conduct*, provided that the supplemental matters are not more permissible than this *Code of Conduct*.

The Ethics Committee may request monitoring of electronic communication if a breach of the *Code of Conduct* or an allegation of harassment has been made.

Employees who do not comply with provisions of the *Code of Conduct* may be subject to disciplinary action, consistent with the severity of the infraction, up to and including dismissal.

Receiving and investigating disclosures, complaints, and response to a breach

Complaints

Complaints should be made in writing to the Code Administrator. Where the complaint involves the Code Administrator, the complaint should be made in writing to the chief executive officer, and the chief executive officer will initiate the investigation and convene the Ethics Committee.

Anonymous complaints

Anonymous complaints will not be considered.

Malicious complaints

An allegation of a breach of the *Code of Conduct* has the potential to cause significant personal harm to the Employee who is alleged to have committed the breach. As such, malicious complaints will not be tolerated and may result in consequences for the Employee who made the complaint, including termination of employment.

Responsibility for investigating breaches

For a disclosure, breach, or allegation of a breach that involves:

- an Employee within the operations divisions other than a Manager or the chief executive officer—the Ethics Committee will comprise the Code Administrator, the chief legal officer, and the Manager to whom the Employee reports.
- a Manager within the operations divisions—the Ethics Committee will comprise the Code Administrator, the chief legal officer, and the chief executive officer.
- the chief executive officer—the Ethics Committee will comprise the Code Administrator, general counsel, and the Board Chair.
- a Board member or Board staff—the Ethics Committee will comprise the Code Administrator, general counsel, and the Board Chair.
- the Code Administrator—the Ethics Committee will comprise the chief executive officer, the chief legal officer, and the Manager to whom the Code Administrator reports.
- the general counsel—the Ethics Committee will comprise the Code Administrator, chief legal officer, and the Board Chair.
- the chief legal officer—the Ethics Committee will comprise the Code Administrator, general counsel, and the chief executive officer.

A disclosure, breach, or allegation of a breach that involves the Board Chair will be referred to the chief executive officer who will appoint a neutral party to review the matter.

Disclosure, breach, or allegation of breach review process

- a. NRCB Employees must report any actual or suspected breaches of the *Code of Conduct* in writing to the Code Administrator.

- b. When reporting a potential breach of another Employee in good faith and with reasonable grounds, the reporting person will be protected from reprisal for such reporting.
- c. The identity of the person reporting the breach or potential breach will not be disclosed by the Code Administrator unless required by law or the individual consents to disclosure.
- d. Once an actual or potential breach of the *Code of Conduct*, or a self-disclosure has been reported, the Code Administrator will review the circumstances and details of the actual or potential breach or self-disclosure and determine if an Ethics Committee review is needed. If a review is required, the Code Administrator will initiate the Ethics Committee as outlined in Responsibility for investigating breaches. The Ethics Committee may refer to the NRCB Investigation Procedures for guidance.
- e. Subject to section c., if a reported breach or potential breach relates to an Employee other than the person reporting it, the Employee in question must be made aware of the allegations and must be given the opportunity to respond to the allegations and provide any other relevant information before a decision is made.
- f. The Ethics Committee will issue a written decision with their findings in a timely manner and will provide the report to the Employee who was the subject of the report, their immediate supervisor, and other parties as necessary.
- g. Breaches of this *Code of Conduct* may result in disciplinary action, up to and including termination.

Appeals

An Employee may appeal a decision of the Ethics Committee to the Board Chair. Where the Board Chair was a member of the Ethics Committee, the appeal would be directed to the chief executive officer. The Board Chair or chief executive officer may appoint a neutral party to review the appeal. Reference to appointing an external investigator, in the NRCB Investigation Procedures, may provide helpful guidance.

The appeal must be submitted in writing to the appropriate appeal body, as named above, and copied to the Code Administrator.

Personal record

The Code Administrator will maintain in the Employee's file copies of all written complaints, findings, warnings, reprimands and or notices of disciplinary action regarding a breach of the *Code of Conduct*.

I. Obligations for all Employees

1. Impartiality

When exercising regulatory, inspection, permitting, approval, or other discretionary authority over others, Employees must carry out their duties with impartiality at all times.

2. Furthering Private Interests and using influence and insider information

Employees are in conflict of interest and in violation of the *Code of Conduct* if they:

- take part or are perceived to take part in a decision, in the course of carrying out their office or powers, knowing that the decision might further a Private Interest of themselves, their Spouse or Adult Interdependent Partner, their Minor Child or adult child, or their business associate or business interest.
- use their office or powers to influence or seek to influence a decision to be made by or on behalf of the Crown or a public agency to further a Private Interest of themselves, their Spouse or Adult Interdependent Partner, their Minor Child, their business associate or business interest, or to improperly further any other person's Private Interest.

- use or communicate information not available to the general public that was gained in the course of carrying out their office or powers to further or seek to further a Private Interest of themselves or any other person's Private Interest.

3. Disclosure of real or potential breach

It is the responsibility of Employees to disclose in writing to their Manager and the Code Administrator at the earliest opportunity any situation in which their involvement could be perceived as a conflict of interest. Where an actual or perceived conflict of interest cannot be avoided, the Employee, their Manager, and the Code Administrator must take the appropriate steps to manage the conflict.

Employees who have a financial interest in the following may be in breach of the *Code of Conduct* and must provide a complete written disclosure of the nature of that interest to their Manager and the Code Administrator, and in the case of the Board Chair, to the Code Administrator and the chief executive officer:

- projects in the forestry, recreation, tourism, mining industry, and water management sectors (water management may include hydroelectric facilities) that require or will require a review under the *Natural Resources Conservation Board Act* (NRCBA). All current and pending NRCBA projects are listed on the NRCB website.
- an agricultural livestock operation as defined by the *Agricultural Operation Practices Act* (AOPA), a business that provides services to agricultural livestock operations, or a contractual relationship with the owner or operator of a confined feeding operation.

Employees understand that such information may be publicly disclosed by the NRCB, if the NRCB identifies a need to transparently disclose the nature of the potential conflict and the approach taken to avoid any allegation of impropriety.

In addition, Employees shall disclose in writing any relevant new or additional information about those interests as soon as possible.

Employees can manage a conflict by:

- removing themselves from matters in which the conflict exists or is perceived to exist,
- giving up the particular Private Interest causing the conflict, or
- in rare circumstances, resigning their position.

Employees also have a responsibility to consider whether or not their own, their Spouse or Adult Interdependent Partner's, or their Minor Child's investments—including directly owned stocks—create a real or perceived conflict of interest with their work and, if at all possible, avoid conflict or remove themselves from the conflict.

The following types of assets and interests are not subject to disclosure:

- annuities and life insurance policies
- guaranteed investment certificates
- registered retirement savings plans, mutual funds, pension plans, registered savings plans under federal or provincial government programs, provided the Employee has no control over decisions of the plan, fund, or other vehicle to buy, sell, or hold those underlying securities
- security investments of fixed value issued or guaranteed by the federal or provincial government
- cash and deposits
- works of art, antiques, collectables, vehicles, household goods, personal effects

In addition, the chief executive officer shall comply with section II.

4. Requirement to report conflicts of interest and breaches of the Code of Conduct

NRCB Employees have a responsibility to report any fraud, misconduct, or situations of real or perceived conflicts of interest of other Employees. These situations must be reported to the Code Administrator so that appropriate steps can be taken to address the matter.

No action will be taken against an individual for reporting fraud, misconduct, or a perceived conflict of interest unless the report is made maliciously or without reasonable grounds. Wherever possible, the name of the person reporting such information will be kept confidential.

5. Acceptance of gifts (restrictions and monetary limits)

Employees may not accept fees, gifts, or other benefits that are connected directly or indirectly with the performance of their NRCB duties from any individual, organization, or corporation, other than:

- of small monetary value in the normal exchange of hospitality between persons doing business together,
- tokens exchanged as a part of protocol, or
- the normal presentation of gifts in public functions, awards, presentations or seminars.

The above-mentioned gifts and hospitality should be of nominal or nil monetary value. Gifts must not include cash or cheques and should not exceed \$150 in value. The total value of the fees, gifts, and benefits received within a year from the same third party cannot exceed \$150 in any calendar year, unless prior written permission is received from the Code Administrator. The Code Administrator shall only grant written permission reasonably, in accordance with the principles and provisions of the *Code of Conduct* and where acceptance would not create or appear to create a conflict of interest.

NRCB Employees must not:

- accept invitations to events that may create a real or apparent conflict of interest, or
- solicit gifts, hospitality, or other benefits from owners or employees of companies regulated by the NRCB.

6. Concurrent outside employment

Employees may take supplementary employment, including self-employment, while employed at the NRCB, unless such pursuits:

- cause an actual or perceived conflict of interest,
- are performed in such a way as to appear to be an official act, or to represent an NRCB opinion or policy,
- interfere with regular duties, or
- involve the use of the NRCB premises and equipment except as stated under "Use of NRCB Premises and Equipment." Use of NRCB equipment must be consistent with the NRCB's *Electronic System Use Policy*.

Employees may not take or hold conflicting employment without disclosing that employment to the Code Administrator and their Manager.

Prior to accepting any supplementary employment Employees must notify the Code Administrator and their Manager in writing about the nature of such supplementary employment. The Code Administrator and Manager must then review the employment for conflicts of interest, and if there is a conflict of interest must, in writing, deny the employment, allow the employment, or put procedures in place to manage the conflict.

Employees must not accept additional compensation for duties performed in the course of their NRCB responsibilities.

The chief executive officer must also comply with the requirements of section II.4, below, regarding restrictions on concurrent employment or appointment to other offices.

7. Existing or anticipated offers of future employment or appointment

Employees must not allow the performance of their official duties to be influenced by offers of future employment or the anticipation of offers of employment nor may they use their position or NRCB premises or equipment to promote their services as a private consultant.

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 future circumstances, and must remove themselves from any decisions affecting their appointment or employment.

8. Political activity

Employees may participate in political activities including holding membership in a political party, supporting a candidate for elected office, or seeking elected office. Any political activity must be clearly separated from activities related to the business of the NRCB, must not be done while carrying out the business of the NRCB, and must not make use of NRCB facilities, equipment or resources in support of these activities.

Employees who run as candidates in a municipal, provincial, or federal election must take a leave 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. If elected, the Employee must resign their employment. If not elected, the Employee is entitled to return to the same or similar employment.

Employees may run for school board office without taking a leave and may hold a school board office position without resigning their employment. Section 6, "Concurrent outside employment," applies.

9. Employment of relatives and direct associates

An Employee must disqualify themselves from the selection, hiring, or direct supervision of relatives or any other individuals that could raise a question regarding their impartiality.

In limited circumstances, the NRCB may permit relatives of an Employee to work in the same group or branch provided that the Employee's Manager and the Code Administrator take all steps necessary to ensure that there is no opportunity to exercise favouritism and that no conflict of interest exists for the Employee and members involved.

Employees must disclose to their Manager and the Code Administrator all situations that may be or may appear to be conflicts of interest under this section, as far as these are known to them.

10. Public statements

Employees are required to comply with the NRCB's *Social Media Policy*.

Employees must be mindful of the impartiality that is expected to accompany their roles as representatives of an independent regulatory agency. Upholding that organizational responsibility carries with it individual responsibility as Employees towards ensuring their conduct, in the course of their job duties and related to their involvement with the industries the NRCB reviews and regulates, matches the interests of the organization.

In addition, the NRCB respects that it is the right of each of its Employees to hold individual views and opinions, and to share those views and opinions as a member of the public. However, it is important to recognize that personal views do not represent and may not necessarily reflect those of the organization, and that those views, if publicly advanced, may be contrary to the position of the NRCB.

An Employee's personal views and opinions toward the industries reviewed and regulated by the NRCB, and toward the way the NRCB conducts those responsibilities, must not be expressed to suggest that their views are those of the NRCB. This applies to all situations in which the Employee identifies themselves as an Employee of the NRCB or where they are recognized as an Employee of the NRCB.

11. Confidentiality

Employees must ensure that confidential information or documents are not directly or indirectly made available to unauthorized persons.

Employees who make statements on behalf of the NRCB through speech or written documents must ensure they maintain the confidentiality of information or documents.

Employees must adhere to the requirements of the *Freedom of Information and Protection of Privacy Act* or other equivalent successor legislation.

12. Compliance with applicable laws, policies, and procedures

Employees must not engage in any criminal activity and must comply with all relevant laws, regulations, policies, and procedures.

13. Disclosure of criminal charges

If an Employee is charged with an offence under the *Criminal Code of Canada* or the *Controlled Drugs and Substances Act (Canada)* while on or off duty, the Employee shall immediately report the charge to the Code Administrator.

In addition, an Employee must immediately report a charge for an offence under a statute of Canada or the Province of Alberta to the Board Chair and the Code Administrator if the charge has the potential to adversely affect

- the NRCB's reputation or the conduct of NRCB responsibilities, or
- their ability to perform their job.

14. Use of NRCB premises, equipment

Limited use of NRCB premises and equipment for non-NRCB purposes is permitted if the use incurs minimal additional expense for the NRCB and such use does not support a private business.

Employees are required to use NRCB electronic devices in accordance with the NRCB's *Electronic System Use Policy*.

Employees are responsible for ensuring that personal information and documents stored on NRCB equipment or kept in NRCB premises is appropriate for workplace standards. Employees must also be aware that the NRCB cannot guarantee the privacy of personal information and documents on NRCB equipment or in NRCB premises.

Employees who have permission to use NRCB equipment in their home are expected to delete all personal information and documents from the equipment before it is returned to the NRCB.

15. Trade knowledge and intellectual property

Any product, technology, or intellectual property developed by Employees in the course of their employment with the NRCB is the property of the NRCB.

Employees must respect property, knowledge, and intellectual property rights.

Employees must respect copyright and license agreements.

At no time shall any current or former Employee of the NRCB use or give to others confidential information obtained while employed at or engaged by the NRCB.

16. Discrimination and harassment

The NRCB is committed to providing a work environment where all individuals are treated with dignity and respect. The NRCB will not tolerate any discriminatory, harassing, bullying, threatening, abusive, or violent behaviour by or against any Employee or prospective Employee, member of the public, or any other individual affiliated with the NRCB.

To that end, Employees must adhere to the NRCB policy *Working with Pride and Dignity for the Natural Resources Conservation Board: A Guide to the NRCB's Respectful Workplace Policy*.

Employees must not discriminate against another Employee or a member of the public, as stated in the *Alberta Human Rights Act*.

17. Monitored compliance

New Employees receive an orientation that includes a detailed review and acknowledgement of the *Code of Conduct* and all NRCB human resources policies.

As part of their annual performance review, each Employee confirms his or her understanding of, and commitment to, the expectations of this *Code of Conduct*. This includes a signed acknowledgement to abide by the *Code of Conduct*.

18. Competence and integrity

Employees must be professionally competent and will maintain and upgrade their competence when required to carry out their job responsibilities.

Employees are required to serve the public, the NRCB, and others in a conscientious, diligent, and efficient manner. Employees are required to discharge their job responsibilities with integrity and trustworthiness.

II. Additional requirements for the chief executive officer

1. Restrictions on holdings

Pursuant to section 23.93(1) of the *Conflicts of Interest Act*, the chief executive officer may not own or have a beneficial interest in a publicly-traded security.

This requirement does not apply if:

- the publicly-traded securities are held in a blind trust approved by the Ethics Commissioner, or
- the chief executive officer applies to the Ethics Commissioner for approval to retain ownership of or a beneficial interest in the publicly-traded securities, and either obtains the Ethics Commissioner's approval or, if the approval is refused, takes any steps that the Ethics Commissioner directs with respect to the disposition of the ownership or beneficial interest, or
- the chief executive officer acquires ownership of or a beneficial interest in publicly-traded securities with the prior approval of the Ethics Commissioner.

2. Disclosure statements and returns

The chief executive officer shall file an amending disclosure statement each year with the Ethics Commissioner, in the form and manner determined by the Ethics Commissioner and at a time specified by the Ethics Commissioner.

The chief executive officer shall, within 30 days after the occurrence of any material change in the information contained in a current return, file an amending disclosure statement that sets out the changes in the form and manner determined by the Ethics Commissioner.

The chief executive officer shall file with the Ethics Commissioner a return relating to their Spouse or Adult Interdependent Partner, business associate, or business interest, in a form and manner determined by the Ethics Commissioner, within:

- 60 days after becoming the chief executive officer,
- 30 days after the occurrence of any material change in the information contained in a current return, and
- 30 days after the day he or she ceases to be the chief executive officer.

3. Post-employment restrictions

For a period of 12 months from the last day he or she held the position of chief executive officer, the former chief executive officer shall not:

- lobby, as defined in the *Lobbyists Act*, any public office holder, as defined in the *Lobbyists Act*, or
- act on a commercial basis or make representations on their own behalf or the behalf of any other person, regarding any ongoing matter in connection with which, while in their position with the NRCB, the chief executive officer directly acted for or advised a department or public agency involved in the matter.

For a period of 12 months from the last day he or she had a direct and significant official dealing with a department or public agency, the former chief executive officer shall not:

- make representations with respect to a contract with or benefit from the NRCB, or
- solicit or accept on his or her own behalf a contract or benefit from the NRCB.

For a period of 12 months from the last day he or she had a direct and significant official dealing on behalf of the NRCB with an individual, organization, board of directors, or equivalent body of an organization, the former chief executive officer shall not accept employment with that individual or organization or an appointment to the board of directors or equivalent body.

The current and former chief executive officers are not restricted from being appointed to the board of directors or a governing body of another public agency, or from accepting employment with a department of the public service or a public agency in accordance with Part 1 of the *Public Service Act*.

4. Concurrent employment or appointment to other offices

The chief executive officer must comply with section 1.6 of the *Code of Conduct*: “Concurrent Outside Employment.”

In addition, the chief executive officer may not participate in any outside appointment, business, undertaking or employment, including self-employment, unless they apply for and receive the approval of the Ethics Commissioner, and comply with any conditions that the Ethics Commissioner includes in the approval.