



Hospital Employees' Union Code of Conduct for the Provincial Executive

Part I: Purpose, Scope, and Principles

1. Purpose

- 1.1. The purpose of the Hospital Employees' Union ("HEU") is to unite and associate together all workers employed primarily, but not exclusively, in healthcare, medical or related work for the purpose of securing concerted action in whatever may be regarded as conducive to their best interests, and in so doing to embrace the concept of equality of treatment for all with respect to wages and job opportunities, recognizing their obligation to provide high quality services, and to defend and preserve the right of all persons to high standards of medical and hospital treatment.
- 1.2. The HEU Provincial Executive (the "Provincial Executive") is the governing body of the HEU between Conventions. The Provincial Executive's powers are derived entirely from HEU's Constitution and By-Laws as revised from time to time at Convention.
- 1.3. The Provincial Executive must earn and preserve the confidence of HEU Members ("Members") by demonstrating a high standard of ethical and professional conduct at all times.
- 1.4. This Code of Conduct for the Provincial Executive ("Code of Conduct") establishes and describes both common standards of conduct and a set of expectations for the Provincial Executive and the powers and procedures of the Ethics Commissioner in exercising oversight over the conduct of the Provincial Executive.

2. Scope

- 2.1. The Code of Conduct applies to all Provincial Executive Members, acting in that capacity, and to Provincial Executive Alternates when acting as Provincial Executive Members. For clarity, the Code of Conduct does not apply to Provincial Executive Members when performing duties in relation to other roles they may hold with the HEU or in their capacity solely as Members.
- 2.2. The Code of Conduct applies to Members and HEU employees only to the extent a Member or HEU employee makes a confidential request or submits a complaint against a Provincial Executive Member alleging a breach of the Code of Conduct.



3. Key Principles Underlying Standards and Expectations of Conduct

3.1. Role of Provincial Executive

3.1.1. The role of the Provincial Executive, between Conventions, is to govern, including setting strategic direction and objectives, values, and priorities, and to provide direction to the Secretary-Business Manager (“SBM”) to ensure the HEU is achieving its objectives and upholding its obligations.

3.1.2. The Provincial Executive’s effectiveness depends on all Provincial Executive Members understanding their role as leaders and decision makers guiding the HEU, and demonstrating high standards of conduct.

3.2. Responsibilities of Provincial Executive Members

3.2.1. Every Provincial Executive Member owes a fiduciary duty of loyalty to the HEU which requires them to act at all times honestly, in good faith, and in the best interests of the HEU first and to not allow their decisions or actions to be tainted by self-interest or opposing interests.

3.2.2. Provincial Executive Members are expected to exercise skill and judgment, take the time to review and consider Provincial Executive materials in advance of meetings, and participate in learning opportunities related to their role as a Provincial Executive Member.

3.2.3. Provincial Executive Members must abide by the HEU Code of Ethics and Conduct for HEU Members.

3.3. Diversity, Equity, Accessibility, and Inclusion

3.3.1. Provincial Executive Members recognize that union solidarity is based on the principle that union members are equal and deserve mutual respect at all levels and will act in a manner consistent with this principle.

3.3.2. As leaders and decision makers, Provincial Executive Members must abide by the British Columbia *Human Rights Code* and promote HEU statements on Diversity, Equity, Accessibility, and Inclusion.



Part II: Standards and Expectations of Provincial Executive Members

4. Standards and Expectations of Conduct

4.1. Accountability and Ethics

- 4.1.1. Provincial Executive Members must act honestly and fully comply with all HEU policies and with both the letter and the spirit of all applicable laws, and a failure to follow HEU policy may be a violation of the Code of Conduct.
- 4.1.2. Provincial Executive Members shall truly and faithfully and to the best of their abilities, perform the duties of their office for the ensuing term as prescribed in the Constitution and By-Laws of the HEU, and as a Provincial Executive Member of the HEU, shall at all times endeavor, both by their counsel and example, to promote the harmony and preserve the dignity of its sessions.
- 4.1.3. Provincial Executive Members have a duty to act in the best interests of the HEU. While Provincial Executive Members may be elected because they are a member of a particular constituency group (e.g., the Diversity Vice-President), which may inform their views and approach to issues, in performing their duties as Provincial Executive Members, contributions to deliberations and decision making must overall be guided by doing what is in the best interests of the HEU as a whole.
- 4.1.4. Provincial Executive Members must not use their position to gain advantage for themselves, or for family members, friends, or associates (“Associated Persons”) with respect to accessing services with the HEU.
- 4.1.5. Provincial Executive Members must complete a minimum of four (4) hours of education per annum in mandatory education sessions as determined by the Ethics Commissioner in an area related to executing their duties as Provincial Executive Members. This requirement is in addition to any orientation training offered to the Provincial Executive during the same year. Absences by a Provincial Executive Member from mandatory education sessions must be noted in an annual report to be published by the Ethics Commissioner pursuant to section 11.1.10 of this Code of Conduct.

4.2. Respectful Conduct

- 4.2.1. Provincial Executive Members must treat one another, Members, and HEU employees respectfully, without abuse, bullying, or intimidation, and shall not engage in discriminatory or harassing behaviour.



4.2.1.1. Examples of behaviours which may constitute bullying and harassment are set out in [Appendix A](#).

4.2.2. Provincial Executive Members recognize that respectful and courteous discussion enables parties to evaluate assumptions and challenge inherent biases, and promotes collaboration and reconciliation of diverse interests, which in turn leads to better Provincial Executive performance and decision making. Accordingly, Provincial Executive Members must:

4.2.2.1. engage in active listening and respectful communication; Provincial Executive Members shall not make defamatory, inflammatory or otherwise false statements;

4.2.2.2. consider the opinions of others, and engage in open and honest discussion and debate; and

4.2.2.3. be respectful of all viewpoints.

4.3. Active Participation

4.3.1. Provincial Executive Members are accountable for actively participating in the work of the Provincial Executive. They must:

4.3.1.1. be prepared for and attend scheduled Provincial Executive meetings;

4.3.1.2. exercise skill and diligence in their duties and complete any assigned work;

4.3.1.3. participate in Provincial Executive discussions and decision making;

4.3.1.4. apply judgment carefully, while maintaining an open mind, and make decisions that are transparent, objective, impartial, and based on an analysis of all available and relevant information;

4.3.1.5. seek assistance from colleagues and/or HEU employees to clarify any aspect of their work, role, or responsibilities where uncertain;

4.3.1.6. respect the finality of decisions made by the Provincial Executive; and

4.3.1.7. maintain a general level of familiarity with the HEU's operations, the services the HEU provides, and any issues which may impact the HEU.



5. Conflict of Interest

- 5.1. The Provincial Executive is committed to the integrity of the Provincial Executive and to ensuring that its decision making and leadership are free from conflicts of interest, including potential conflicts.
- 5.2. Provincial Executive Members owe a duty of undivided loyalty to the HEU and must conduct themselves in a manner to avoid any actual, or potential, conflicts between their personal interests and the best interests of the HEU.
- 5.3. A conflict of interest exists whenever the loyalties of a Provincial Executive Member are, or reasonably appear to be, divided between what would be best for the HEU and what would be best for the Provincial Executive Member or an Associated Person.
- 5.4. Provincial Executive Members must not use their role on the Provincial Executive for their own personal advantage, including any related business interests they may hold, or for the advantage of Associated Persons.
- 5.5. If a Provincial Executive Member becomes aware that they are in a position that creates a conflict of interest, whether direct, indirect, real, or perceived, they must declare the nature and extent of the conflict of interest at a meeting of the Provincial Executive and recuse themselves from any discussion, deliberation, or decision related to the matter with which they are in a conflict of interest.
- 5.6. Where there is disagreement or uncertainty about whether a conflict of interest exists, the matter must be referred to the Administrative Committee for informal resolution.
- 5.7. Allegations that a Provincial Executive Member has breached their conflict of interest obligations shall be reported to the Ethics Commissioner pursuant to Part IV of this Code of Conduct.
- 5.8. Examples of common situations which may give rise to a conflict of interest are set out in [Appendix B](#).

6. Confidential Information

- 6.1. Confidential information means any information the HEU treats as confidential, and includes any information pertaining to HEU's services, assets, personnel, labour relations, suppliers, policies, data, financial statements and information, Member information, business procedures, discussions with government stakeholders, strike and picketing strategies and locations, bargaining proposals and strategies, and legal issues and advice. It also includes information about matters discussed during Provincial Executive meetings and during *in-camera* sessions, matters discussed with employers of Members or their representatives, and investigation reports of the Ethics Commissioner.



- 6.2. Provincial Executive Members, by virtue of their position and duties, have and will gain access to confidential information about various matters relevant to HEU, including but not limited to information discussed during Provincial Executive meetings and during *in-camera* sessions. In order for Provincial Executive to effectively fulfill its role, all Provincial Executive Members must ensure that all confidential information remains strictly confidential and is not used or disclosed, except as reasonably required to perform their duties and/or as authorized, and must use best efforts to protect all confidential information from unauthorized use, access, and disclosure to third parties.
- 6.3. Provincial Executive Members must not disclose or use confidential information gained by virtue of their association with the HEU for personal gain, or to benefit an Associated Person.
- 6.4. All matters discussed at Provincial Executive meetings are confidential unless the Provincial Executive determines that a matter is not confidential. Provincial Executive Members must seek guidance from the Ethics Commissioner if they have questions regarding what is or is not considered confidential.
- 6.5. A Provincial Executive Member's obligations of confidentiality continue after they cease to serve on the Provincial Executive.

7. Communications by Provincial Executive Members

- 7.1. Provincial Executive Members must describe decisions of the Provincial Executive and HEU policies in a clear, concise, and factual manner.
- 7.2. Provincial Executive Members must recognize that decisions made by the Provincial Executive are binding on all Provincial Executive Members, regardless of how they voted individually.
- 7.3. If a Provincial Executive Member disagrees with a decision of a HEU local or the Provincial Executive and wants to challenge it, they must use appropriate mechanisms set out in HEU's policies and in the Constitution and By-Laws, or in accordance with, the rules of order at a meeting.
- 7.4. Provincial Executive Members must ensure that any individual communications, including communications made via social media, are respectful, not discriminatory or defamatory, and do not harass any person.



8. Entertainment, Gifts, Favours, and Other Benefits

- 8.1. Entertainment, gifts, favours, or other benefits associated with a Provincial Executive Member's official duties and responsibilities may only be accepted or offered by a Provincial Executive Member in the normal exchanges of hospitality or courtesy between persons doing business together and where they are of nominal value (under \$100.00).
- 8.2. All entertainment, gifts, favours, or other benefits received by a Provincial Executive Member in association with their official duties and responsibilities must be disclosed to the Provincial Executive.
- 8.3. Provincial Executive Members must return all gifts or other benefits exceeding \$100.00 as soon as practicable. If there is no opportunity to return a gift or benefit, or where the return may be perceived as offensive for cultural or other reasons, the recipient must report the gift to the Ethics Commissioner and consult about appropriate disposition.
- 8.4. A Provincial Executive Member may accept modest discounts on a personal purchase of a supplier's products only if such discounts do not impact the HEU's decision to purchase the same supplier's products, and if such discounts are generally offered to others having a similar business relationship with the supplier or customer. Provincial Executive Members are advised to seek guidance from the Administrative Committee with respect to whether a discount is considered appropriate.

9. Use of HEU Property

- 9.1. A Provincial Executive Member requires the Administrative Committee's approval to use any property owned by the HEU for personal purposes, including HEU's name and logo. A Provincial Executive Member requires the Administrative Committee's approval to purchase property from the HEU, unless the purchase is made through the usual channels also available to HEU Members.
- 9.2. Notwithstanding section 9.1, a Provincial Executive Member must not purchase property owned by the HEU if that Provincial Executive Member is involved in an official capacity in any aspect of the sale or purchase of that property.
- 9.3. Provincial Executive Members have an obligation to ensure the proper use of HEU's assets and resources, including electronic tools such as smart phones, tablets, laptops, email accounts and internet resources, for the purpose of exercising their role as Provincial Executive Members and not for their own personal benefit or purposes. Provincial Executive Members must only conduct HEU business on HEU provided assets, resources and accounts.



- 9.4. Provincial Executive Members should ensure all HEU property that may be assigned to them is maintained in good condition and must be able to account for such property.

Part III: Ethics Commissioner

10. Appointment of Ethics Commissioner

- 10.1. The Provincial Executive must appoint an Ethics Commissioner to undertake the duties and responsibilities of the position as set out in the Code of Conduct. The Provincial Executive must be presented with at least three (3) candidates.
- 10.2. The appointment of an Ethics Commissioner must be for a set term of two (2) years. An Ethics Commissioner may be appointed for more than one (1) term.
- 10.3. At the request of the Ethics Commissioner, the Provincial Executive may suspend the appointment for a mutually agreed period of time.
- 10.4. The Provincial Executive will not terminate an Ethics Commissioner's appointment except for cause.
- 10.5. The appointment of an Ethics Commissioner may only be made, suspended, or terminated by a two-thirds (2/3) vote of all Provincial Executive Members.

11. Duties and Responsibilities of Ethics Commissioner

- 11.1. The duties and responsibilities of the Ethics Commissioner are as follows:
 - 11.1.1. construct a roster of investigators (the "Roster") with appropriate expertise to, at the direction and under the supervision of the Ethics Commissioner, perform the role of Ethics Commissioner under this Code;
 - 11.1.2. provide advice and recommendations to a Provincial Executive Member on questions of compliance with the Code of Conduct when requested to do so by that Provincial Executive Member;
 - 11.1.3. prepare written materials and content for the HEU's website for distribution to and use by Members, Provincial Executive Members, and HEU employees to aid in their understanding of the role of the Ethics Commissioner and the ethical obligations and responsibilities of Provincial Executive Members under the Code of Conduct;



- 11.1.4. deliver educational programs regarding the role of the Ethics Commissioner and the ethical obligations and responsibilities of Provincial Executive Members under the Code of Conduct;
 - 11.1.5. assist with informal resolution of confidential requests and complaints;
 - 11.1.6. receive and conduct a preliminary assessment of all complaints to determine if the complaints must be rejected, closed, resolved informally, or investigated;
 - 11.1.7. investigate and conduct inquiries as to violations of the Code of Conduct;
 - 11.1.8. report to Members on the outcomes of investigations in accordance with sections 20 and 21;
 - 11.1.9. submit an annual budget for approval by the Provincial Executive; and
 - 11.1.10. publish an annual report each year that includes a summary of the work of the Ethics Commissioner, a summary of determinations under sections 20 and 21, and any advice or recommendations that the Ethics Commissioner has to improve the text or operation of the Code of Conduct.
- 11.2. The Ethics Commissioner must perform the duties and responsibilities of their office in an independent manner.

12. Appointment of Interim, Ad Hoc, or Deputy Ethics Commissioner

- 12.1. The SBM may appoint an interim / ad hoc Ethics Commissioner from the roster in the following circumstances:
- 12.1.1. if the Provincial Executive has not yet entered into a contract for the appointment of an Ethics Commissioner;
 - 12.1.2. in the interim period between the expiry of the appointment of one Ethics Commissioner and the appointment of a new Ethics Commissioner; or
 - 12.1.3. if the appointed Ethics Commissioner is unable or unwilling to act.
- 12.2. At the request of the Ethics Commissioner, the SBM may appoint a Deputy Ethics Commissioner from the roster to serve in the place of the Ethics Commissioner for a period of time.



13. Powers After Resignation or Expiry of Term of Ethics Commissioner

- 13.1. If the Ethics Commissioner resigns or their appointment expires, the SBM may authorize that individual to continue to exercise the powers of the Ethics Commissioner in regard to any complaint received before the end of their term.
- 13.2. An authorization under section 13.1 continues until the complaint which is the subject of the authorization is rejected, closed, or resolved informally, or a written investigation report or Final Decision is delivered to the Provincial Executive.

Part IV: Complaints, Adjudication, Decision Making, and Sanctions

14. Complaint and Resolution Procedures

- 14.1. Nothing in this Code of Conduct is intended to preclude Provincial Executive Members, prior to filing a complaint, from speaking to each other in order to resolve matters which may otherwise be captured by this Code of Conduct. Provincial Executive Members are encouraged to resolve matters directly between one another whenever possible.
- 14.2. All complaints against a Provincial Executive Member concerning a breach of the Code of Conduct are subject to the procedures set out in the Code of Conduct and are not subject to the procedural requirements of Article 19 of the Constitution and By-Laws ("Article 19"). If the Ethics Commissioner accepts jurisdiction of a complaint pursuant to the Code of Conduct, a complaint, based on the same facts, may not be made pursuant to Article 19. The Ethics Commissioner shall not accept a complaint with respect to a matter which has been, or is in the process of being, adjudicated pursuant to Article 19. For greater clarity, in adopting the Code of Conduct, including the following complaint and resolution procedures, the Provincial Executive is acting pursuant to the powers in Article 5 of the Constitution and By-Laws.
- 14.3. In the event that a member of the Administrative Committee receives a complaint that a Provincial Executive Member has engaged in conduct that, if established, may constitute a breach of the Code of Conduct, the Administrative Committee will refer the complaint to the Ethics Commissioner and the complaint and resolution procedures in the Code of Conduct will apply.

15. Confidential Requests

- 15.1. If a Member, a Provincial Executive Member, or HEU employee believes they have been subject to conduct by a Provincial Executive Member in breach of the Code of Conduct, that person may approach the Ethics Commissioner on a confidential basis, without the need to file a complaint, to request that the Ethics Commissioner inform



the Provincial Executive Member of the alleged breach. Upon receipt of the confidential request, the Ethics Commissioner may attempt to address the conduct with the Provincial Executive Member.

15.2. The Ethics Commissioner must protect the confidentiality of a person making a request under section 15.1, unless the person making the request consents to disclosure.

16. Complaint Procedure

16.1. Any Member, Provincial Executive Member, or HEU employee may submit a complaint to the Ethics Commissioner.

16.2. A complaint must be in writing and describe with sufficient detail:

16.2.1. the name of the complainant;

16.2.2. the name of the respondent;

16.2.3. the conduct of the respondent that the complainant alleges to have breached the Code of Conduct;

16.2.4. the date of the alleged conduct;

16.2.5. the part or parts of the Code of Conduct that the complainant alleges has or have been breached; and

16.2.6. the basis for the complainant's knowledge about the conduct.

16.3. A complainant may specify in the complaint if they are willing to participate in an informal resolution of the complaint.

16.4. Provided that a complaint has been submitted, the Ethics Commissioner may accept a complaint, notwithstanding that the form of the complaint does not comply with all the requirements set out in section 16.2 if, in the Ethics Commissioner's opinion, the circumstances warrant.

16.5. The Ethics Commissioner must not accept multiple complaints concerning the same matter. If the Ethics Commissioner receives multiple complaints concerning the same matter, the Ethics Commissioner must proceed with the first complaint accepted, but may expand the complaint, add complainants, and/or consolidate complaints for the purpose of conducting the investigation and preparing the investigation report. If the Ethics Commissioner rejects a complaint on this basis, the Ethics Commissioner must communicate the reasons for their decision to the complainants whose complaints were rejected and must advise those complainants of the result of the complaint that is investigated.



- 16.6. A complaint must be brought no more than ninety (90) days after the complainant knew or reasonably ought to have known of the alleged breach of the Code of Conduct. The Ethics Commissioner may consider extenuating circumstances in choosing to accept a complaint received outside of this time period.
- 16.7. In the period sixty (60) days prior to the conclusion of voting for elections to the Provincial Executive, the Ethics Commissioner may suspend any investigation underway until the day after the conclusion of voting.
- 16.8. Where a complaint is made against a Provincial Executive Member and the complaint procedure overlaps with a Provincial Executive election and the Provincial Executive Member is not re-elected in that election, the Ethics Commissioner may determine the investigation is no longer required and close the complaint on that basis.

17. Preliminary Assessment

- 17.1. On receipt of a complaint, the Ethics Commissioner must conduct a preliminary assessment. If at that time, or at any time thereafter, the Ethics Commissioner is of the opinion that the complaint is frivolous, vexatious, or not made in good faith, or there are no grounds or insufficient grounds for concluding that a violation of the Code of Conduct has occurred, the Ethics Commissioner will notify the complainant and the respondent in writing that the complaint is closed and include the reasons for closing it, and close the complaint.
- 17.2. Notwithstanding section 17.1, the Ethics Commissioner may request further information from the complainant or any other person before determining whether there are sufficient grounds for believing that a breach of the Code of Conduct may have occurred.
- 17.3. In the event that the Ethics Commissioner is of the opinion that a complaint concerns the conduct of a Provincial Executive Member when acting in a capacity other than Provincial Executive Member, the Ethics Commissioner may refer the complaint to any alternate process if applicable.
- 17.4. In the event that the Ethics Commissioner is of the opinion that a complaint concerns matters that are more appropriately addressed under Article 19, the Ethics Commissioner may refer the complaint to the Article 19 process.



18. Informal Resolution

- 18.1. The Ethics Commissioner must consider whether a complaint may be resolved informally. Where the Ethics Commissioner determines that a complaint may be resolved informally, the Ethics Commissioner, at their discretion, may either attempt to resolve the complaint directly, or may refer the complaint to the President, or SBM.
- 18.2. When determining whether a complaint may be resolved informally, the Ethics Commissioner may consider culturally appropriate, transformative, or restorative justice approaches, and may engage a third party to assist the Ethics Commissioner for this purpose.
- 18.3. The person assisting in the informal resolution of a complaint will assess the suitability of the complaint for settlement or resolution on an ongoing basis and may decline to assist at any point.
- 18.4. The complainant and the respondent can decline to participate in an informal resolution at any time.
- 18.5. If a complaint is resolved informally, the person assisting in resolving the complaint must notify the Ethics Commissioner in writing of the terms of the resolution, upon receipt of which the Ethics Commissioner must close the complaint.
- 18.6. If a complaint cannot be resolved informally, the person assisting in resolving the complaint must refer the complaint back to the Ethics Commissioner for a formal investigation.

19. Formal Resolution

- 19.1. If a complaint is not rejected, closed, or resolved informally, the Ethics Commissioner must proceed with a formal investigation.
- 19.2. The Ethics Commissioner must serve the details of the complaint on the respondent, may request that the respondent provide a written response to the complaint, and the Ethics Commissioner may set a specific timeline for doing so.
- 19.3. The Ethics Commissioner may serve the complainant with the respondent's written response, on a strictly confidential basis, and request a reply in writing within a specific timeline.



19.4. The Ethics Commissioner may:

19.4.1. speak to anyone relevant to the complaint;

19.4.2. request disclosure of documents relevant to the complaint; and

19.4.3. access any record in the possession or control of the HEU relevant to the complaint.

19.5. The Ethics Commissioner must ensure that the formal investigation complies with the rules of procedural fairness and natural justice required in the circumstances.

19.6. The Ethics Commissioner may suspend any investigation underway for the purpose of attempting to resolve the complaint informally, either at the Ethics Commissioner's own determination, or at the request of a party to the investigation.

20. Investigation and Reporting

20.1. The Ethics Commissioner must make a decision within ninety (90) days of making a decision to proceed with a formal investigation, unless section 16.7 or section 19.6 applies, or the Ethics Commissioner determines that doing so is not practicable, in which case the Ethics Commissioner must notify the complainant and the respondent of the delay and provide a revised decision date. The revised decision date may be extended by periods of up to thirty (30) days on provision of written notice to the complainant and the respondent.

20.2. A notification issued pursuant to sections 16.5, 17.1, or 20.1 is confidential and must not be disclosed except in the following circumstances:

20.2.1. the Ethics Commissioner may use information in the notification in an annual report in the form of context and statistics;

20.2.2. the Ethics Commissioner may prepare an anonymized bulletin based on the notification if the Ethics Commissioner believes that doing so would benefit Members;

20.2.3. where the Ethics Commissioner has identified a pattern by a complainant of initiating complaints that are frivolous, vexatious, or not made in good faith, or have no grounds or insufficient grounds for concluding that a violation of the Code of Conduct has occurred, the Ethics Commissioner may make a notification pursuant to section 17.1 available to Members; where the Ethics Commissioner determines appropriate, such notification may include the name of the complainant and information about the complainant's pattern of complaints;



- 20.2.4. the respondent may disclose the fact that the complaint has been closed, or that a finding has been made that the respondent did not breach the Code of Conduct; and
- 20.2.5. the Ethics Commissioner must disclose the notification to the SBM where the complaint is made by a HEU employee and the subject of the complaint may be subject to HEU employment policies and/or applicable employment-related legislation, including the *British Columbia Human Rights Code* and the *Workers Compensation Act*.
- 20.3. If after reviewing all material information the Ethics Commissioner determines that the respondent did not violate the Code of Conduct, then:
- 20.3.1. the Ethics Commissioner must prepare a written investigation report providing reasons for their determination that the respondent did not violate the Code of Conduct;
- 20.3.2. the Ethics Commissioner must deliver, on a strictly confidential basis, a copy of the investigation report to the complainant, the respondent, and the Provincial Executive;
- 20.3.3. the Ethics Commissioner must make a summary of the investigation report available to Members no sooner than forty-eight (48) hours after delivery of the investigation report to the complainant, the respondent, and the Provincial Executive; the Ethics Commissioner must remove from the summary any information that could reasonably identify any participant; and
- 20.3.4. the complainant, the respondent, and Provincial Executive Members are limited in any communications to Members about the complaint and its outcome to the contents of the summary report.
- 20.4. If after reviewing all material information the Ethics Commissioner determines that the respondent did violate the Code of Conduct, then:
- 20.4.1. the Ethics Commissioner must prepare a written investigation report providing reasons for their determination that the respondent violated the Code of Conduct and their preliminary decision of appropriate sanction and remedy for the violation (the "Preliminary Decision");



20.4.2. if the Ethics Commissioner determines that the respondent did breach the Code of Conduct, but that the respondent took all reasonable steps to prevent it, or that it was trivial or done inadvertently, or because of an error in judgment made in good faith, the Ethics Commissioner must so state in the investigation report and may decide that no sanction or remedy be imposed; and

20.4.3. the Ethics Commissioner must deliver, on a strictly confidential basis, a copy of the Preliminary Decision to the respondent.

21. Final Determination of Sanction and Remedy

21.1. If the respondent disagrees with the Preliminary Decision, they may, within 30 days of receiving the Ethics Commissioner's investigation report, either in person, virtually, or in writing, provide comment to the Ethics Commissioner on the decision and any sanctions or remedies.

21.2. The Ethics Commissioner may, at their discretion, extend the timeline in section 21.1 upon written request from the respondent.

21.3. If the respondent provides comments pursuant to section 21.1, the Ethics Commissioner, within 30 days of receiving the respondent's comments, will issue a written investigation report providing reasons for their determination that the respondent violated the Code of Conduct and their final decision of appropriate sanction and remedy for the violation (the "Final Decision").

21.4. If the respondent does not provide comments pursuant to section 21.1, the Ethics Commissioner will confirm the Preliminary Decision as the Final Decision.

21.5. The Ethics Commissioner must deliver, on a strictly confidential basis, a copy of the Final Decision to the respondent, the complainant and Provincial Executive.

21.6. The Ethics Commissioner must make a summary of the Final Decision, including any sanctions and remedies, available to Members no sooner than forty-eight (48) hours after delivery of the Final Decision to the respondent, the complainant, and Provincial Executive. The Ethics Commissioner must remove from the summary any information that could reasonably be determined to identify the complainant and the respondent.

21.7. The complainant, the respondent, and the Provincial Executive Members are limited in any communications to Members about the complaint and its outcome to the contents of the summary report.



21.8. Notwithstanding section 21.6, the summary of the Final Decision provided to Members must include the name of the respondent where the sanctions and remedies in the Final Decision include one or more of the following:

21.8.1. a temporary suspension from the Provincial Executive;

21.8.2. removal from the Provincial Executive; or

21.8.3. temporary or permanent disqualification of the Provincial Executive Member from running for or holding any future elected role, of any type or nature, with the HEU.

22. Sanctions and Remedies

22.1. Sanctions and remedies that may be imposed for violating the Code of Conduct include the following:

22.1.1. mandatory training, education, or skills development;

22.1.2. a letter of reprimand from the Ethics Commissioner addressed to the Provincial Executive Member;

22.1.3. a fine;

22.1.4. remediation, such as a direction that the Provincial Executive Member issue a letter of apology;

22.1.5. suspension or removal of the Provincial Executive Member from some or all committees or appointments they hold in their capacity as HEU Provincial Executive Member;

22.1.6. a temporary suspension from the Provincial Executive;

22.1.7. removal from the Provincial Executive;

22.1.8. temporary or permanent disqualification of the Provincial Executive Member from running for or holding any future elected role, of any type or nature, with the HEU; and/or

22.1.9. any other sanction or remedy the Ethics Commissioner considers appropriate in the circumstances.

22.2. In the Preliminary Decision, the Ethics Commissioner may impose on an interim basis any sanctions or remedies in section 22.1 to be in effect from the date of the Preliminary Decision until the Final Decision.



22.3. If the Ethics Commissioner determines that a sanction in either the Preliminary Decision or Final Decision may jeopardize a Provincial Executive Member's employment, the Ethics Commissioner must refer that sanction to the Provincial Executive for final determination.

23. Confidentiality of the Investigation

23.1. The Ethics Commissioner must make all reasonable efforts to investigate complaints in confidence.

23.2. The Ethics Commissioner and every person acting under the Ethics Commissioner's instructions must preserve confidentiality with respect to all matters that come into the Ethics Commissioner's knowledge in the course of any investigation or complaint, except as required by law.

23.3. Any Preliminary Decision or Final Decision must only disclose such matters as in the Ethics Commissioner's opinion are necessary for the purpose of the investigation, and in the case of a summary provided to Members, must comply with sections 20.3.3 and 21.6.

23.4. At the outset of an investigation, the Ethics Commissioner will notify the complainant and respondent of the circumstances that their personal information may be disclosed in accordance with this Code.

24. Reprisals and Obstruction

24.1. No Member, Provincial Executive Member, or HEU employee will obstruct the Ethics Commissioner in the carrying out of the Ethics Commissioner's duties or responsibilities.

24.2. No Member, Provincial Executive Member, or HEU employee will threaten or undertake any active reprisal against a complainant, respondent, or person who provides information to the Ethics Commissioner in the context of an investigation.

24.3. No Member, Provincial Executive Member, or HEU employee will tamper with or destroy documents or electronic records related to any matter under investigation under the Code of Conduct.

24.4. Members, Provincial Executive Members, and HEU employees are expected to respond to the Ethics Commissioner when questioned regarding an investigation.



Appendix A

Bullying and Harassment

Bullying and harassment:

- (a) includes any inappropriate conduct or comment by a person towards a Provincial Executive Member, Member, or HEU employee that the person knew or reasonably ought to have known would cause that Provincial Executive Member, Member or HEU employee to be humiliated or intimidated, but
- (b) excludes any reasonable action taken by an employer or supervisor relating to the management and direction of employees or the place of employment.

The following are examples of conduct or comments that may constitute bullying and harassment:

1. verbal aggression or insults;
2. calling someone derogatory names;
3. harmful hazing or initiation practices;
4. vandalizing or damaging personal belongings, work area, or work product;
5. spreading malicious rumours (regardless of whether they are believed to be true), including making, or continuing to make, unfounded accusations; and
6. personal attacks, including making frivolous, vexations, or bad faith complaints.



Appendix B

Examples of Conflicts of Interest

There are various situations that could give rise to a conflict of interest. The most common are accepting entertainment, gifts, and favours from suppliers; having close or family relationships with outside suppliers; and using privileged information inappropriately.

When considering if a conflict or potential conflict of interest exists, Provincial Executive Members should ask themselves two questions: is my duty to act in the best interest of the HEU, or to act objectively, impaired by this other interest; and, could it reasonably be perceived to be impaired? If the answer to either question is yes, a conflict of interest exists.

The following are examples of the types of conduct and situations that can lead to a conflict of interest:

1. holding two positions at once where loyalty to one role could put into question the Provincial Executive Member's undivided loyalty to the other; for example:
 - a. being both an employee of HEU and a member of the Provincial Executive;
 - b. serving on another board where that organization's objectives conflict with those of the HEU; or
 - c. serving on another board and possessing confidential information received in that role that is of importance to an issue being deliberated or a decision being made by the Provincial Executive.
2. receiving or seeking to receive a personal monetary benefit from the HEU while a Provincial Executive Member.
3. undermining Member or public perception of the HEU, its Members, or Provincial Executive Members to further the individual's own political agenda (note that this conduct is also a breach of the provisions regarding the duty of loyalty in section 3.2.1.)
4. participating in a decision about who should be given a paid position or other benefit when an Associated Person is one of the candidates.
5. participating in a decision which results directly or indirectly in the HEU hiring or promoting an Associated Person; and
6. influencing the HEU to allocate funds to an institution where the Provincial Executive Member or Associated Person works.