



Adams Lake  
Indian Band

<b>Policy:</b>	<b>O-5.2</b>
<b>BCR #</b>	2015-2016: 52
<b>Approved By:</b>	Chief and Council
<b>Approval Date:</b>	November 3, 2015
<b>Amendment Date:</b>	
<b>Policy Holder:</b>	Human Resources Manager

## **Code of Conduct and Ethics Policy**

### **Purpose / Rationale**

Adams Lake Indian Band is dedicated to providing services to its community through a culture of excellence and an environment where employees are proud to work. To continue to foster these goals, all employees of Adams Lake Indian Band are accountable for their actions and expected to act in an honest and ethical manner at all times. The purpose of this policy is to set out the principles and standards of conduct required of all employees of Adams Lake Indian Band and to guide employees in identifying and resolving issues of ethical conduct and conflict of interest that may arise during the course of their employment.

### **Scope / Limits**

This policy applies to all employees at the ALIB and Chief and Council. The “Confidentiality” Section” of this policy continues to apply to individuals after they have left ALIB.

### **Principles**

1. The success of Adams Lake Indian Band relies on employees fulfilling their roles and responsibilities with the highest Code of Conduct and Ethics.
2. Employees have a duty to perform their work in good faith and in the best interests of Adams Lake Indian Band. Accordingly, employees must not allow their private interests, whether personal, financial, or of any other sort, to conflict or appear to conflict with their duties and responsibilities at ALIB.
3. The conduct of employees shall not bring the ALIB into disrepute.
4. Employees must avoid creating the impression of speaking or acting on behalf of Adams Lake Indian Band when they speak or act as private citizens. Employees shall keep their role as private citizens separate and distinct from their responsibilities as employees and avoid situations that place them in a real or perceived conflict of interest.
5. Employees’ conduct and language are expected to meet acceptable social standards of courtesy, dignity, trust and respect.
6. Employees must ensure that their interactions and relationships coworkers and other individuals who have dealings with the ALIB are

appropriate and abide by the Code of Conduct and Ethics and ALIB policies at all times.

7. Employees shall not exploit relationships for personal advantage or benefit.
8. Employees must not take credit for others' ideas or work, even in cases where the work has not been explicitly protected by copyright or patent.
9. The ALIB recognizes that many employees act under other codes of conduct or standards of practice or licensure. The Code of Conduct and Ethics supplements but does not replace those codes. Employees who are covered under a professional Code of Ethics are expected to adhere to both their professional Code of Ethics and the Code of Conduct and Ethics for Adams Lake Indian Band.

### **1.0 Compliance with the Law**

- a. Employees shall act in full compliance with all applicable laws and regulations when fulfilling their employment obligations to the ALIB.

### **2.0 Respectful Workplace**

- a. Adams Lake Indian Band is committed to:
  - ensuring that all individuals are treated with dignity and respect, free from discrimination, harassment and bullying and are supported in managing workplace differences; and
  - providing an environment that respects and promotes human rights and personal dignity.
- b. Adams Lake Indian Band supports the principle that all individuals are entitled to a work in an environment that is free from any form of discrimination and discriminatory harassment.
- c. Adams Lake Indian Band supports the maintenance of a Respectful Workplace by providing:
  - education about human rights, appropriate behaviour in the workplace, harassment, bullying and dispute resolution;
  - a process for informal resolution of respectful workplace complaints;
  - a process for the reporting and investigation of respectful workplace complaints, including discrimination and discriminatory harassment; and
  - interventions to strengthen workplace relationships.
- d. All Adams Lake Indian Band employees are expected to follow the Respectful Workplace Policy.

### **3.0 Inappropriate Conduct**

- a. Employees shall not engage in conduct that may be considered inappropriate by any reasonable standard. Inappropriate conduct includes, but is not limited to:
  - i. conduct that disrupts the work environment or impedes the delivery of ALIB services;
  - ii. conduct that creates an atmosphere of hostility, intimidation, discrimination, bullying or disrespect for others;
  - iii. conduct of a violent or non-violent nature that endangers or threatens to endanger or subject any person, present on site or facilities used in partnership with other parties, to physical, mental or verbal abuse, or potential injury;
  - iv. conduct that damages, defaces or destroys ALIB property; or
  - v. conduct that brings the ALIB into disrepute.

#### **4.0 Workplace Relationships**

##### **a. Relationships with Co-Workers**

Employees are encouraged to develop social relationships in the workplace provided that these relationships do not interfere with the work performance or with the effective functioning of the workplace. Employees who engage in personal relationships (including romantic and sexual) should be aware of their professional responsibilities and are responsible for ensuring that the relationship does not raise concerns about abuse of power, harassment, favoritism, bias, or conflict of interest.

In the event that a consensual personal relationship does exist in a supervisory context, the employee who is in the position of greater influence or authority must disclose the relationship to their Supervisor and initiate arrangements to address any issues of conflict of interest.

Employees who have or who are involved in a personal relationship must make arrangements to ensure that:

- i. the employee in the position of greater authority should remove themselves from influence, input, or decision-making power over the other employee; and
- ii. employees shall not participate in personnel decisions when their objectivity could be compromised to any reasonable extent. Employees must avoid any situation where there could be a perceived conflict of interest.

#### **5.0 Conflicts of Interest**

- a. In general, a conflict of interest exists for employees who use their position at the ALIB to benefit themselves, friends, family or relatives.
- b. Upon appointment, employees shall arrange their private affairs in a manner that will prevent any conflict of interest from arising.

- c. An employee's actions should not compromise or undermine the public's trust in the ALIB.
- d. Employees should not place themselves in a position where they are, or appear to be, under personal obligation to any person who might benefit or seek to gain special consideration or favour resulting from the relationship.
- e. An employee shall avoid any situation in which there is, or may appear to be, a potential conflict which could appear to interfere with the employee's judgment in making decisions in the best interest of Adams Lake Indian Band. Employees shall exercise care in the management of their private affairs so as not to benefit, or be perceived to benefit from:
  - i. the use of information acquired solely by reason of their employment; or
  - ii. any ALIB transactions over which they can influence decisions (e.g.: investment, borrowing, purchases, sales, contracts, grants, and appointments).
- f. There are a variety of situations that could give rise to a conflict of interest. These include but are not limited to: accepting gifts, entertainment, favours or "kickbacks" from suppliers or other organizations, close or family relationships with outside suppliers or other organizations, passing confidential information to competitors or other interested parties, or using confidential information inappropriately. The following are some examples of the types of conduct and situations that can lead to a conflict of interest:
  - i. Influencing Adams Lake Indian Band (or others working at the ALIB) to lease equipment from a business owned by an employee's family member, friend, or relative;
  - ii. Taking personal advantage of an opportunity available to Adams Lake Indian Band that the employee learned about through their position with the ALIB, unless the ALIB has clearly and irrevocably decided against pursuing the opportunity, and the opportunity is also available to the public;
  - iii. Influencing the ALIB (or others working at the ALIB) to allocate funds to an institution where the employee or their family member or relative works or is involved;
  - iv. Participating in a decision by Adams Lake Indian Band to hire or promote a family member or relative of the employee;
  - v. Using their position with Adams Lake Indian Band to solicit clients for their business or a business operated by a family member or relative;
  - vi. Influencing Adams Lake Indian Band (or others working at the

ALIB) to make all its travel arrangements through an agency owned by a family member or relative of the employee; or

- vii. Influencing or participating in a decision of Adams Lake Indian Band (or others working at the ALIB) that will directly or indirectly result in the employee's, family member's, or relative's financial or other gain.

## **6.0 Acceptance of Gifts and Other Complimentary Items**

- a. It is essential to fair business practices that all those who associate with Adams Lake Indian Band, as suppliers, contractors or employees, be treated fairly and without favouritism.
- b. Notwithstanding the "Conflicts of Interest" Section of this policy, entertainment, gifts and favours may be accepted or offered by employees in the normal exchanges common to, and generally accepted in, established business relationships. An exchange of entertainment, gifts or favours must create no sense of obligation. The following criteria should be used as a guide:
  - i. the transaction must be lawful;
  - ii. the entertainment, gift or favour is modest and would be considered by the business community to be within the bounds of propriety and local ethical standards taking into account all of the circumstances of the occasion;
  - iii. the exchange does not, nor is it expected to, create an obligation;
  - iv. it occurs infrequently; and
  - v. the entertainment, gift or favour is not used for financial gain by the employee, their family or their relatives.
- c. In the performance of their duty, an employee shall not, either directly or indirectly, demand or accept for personal benefit a gift, favour or service from any individual, organization or corporation other than:
  - i. the normal exchange of hospitality between persons doing business together;
  - ii. tokens exchanged as part of protocol;
  - iii. the normal presentation of gifts to persons participating in public functions; or
  - iv. the normal exchange of gifts between friends.
- d. Employees are not to accept personal gifts that exceed \$200 in value without the approval of the Adam's Lake Indian Bands, Executive Director.
- e. All materials provided to staff that support their duties other activities

(e.g.: software) at the ALIB remain the ALIB's property and must only be used for ALIB-related activities.

- f. Similarly, no employee shall offer or solicit entertainment, gifts or favours in order to secure preferential treatment for themselves or Adams Lake Indian Band.
- g. Under no circumstances shall employees offer or receive cash, preferred loans, securities, or commissions in exchange for preferential treatment. Any employee experiencing or witnessing such an offer shall report the incident to their Supervisor immediately.
- h. Inappropriate gifts received by employees shall be returned to the donor.
- i. There must be full and immediate disclosure to the employee's Supervisor in all cases where there is uncertainty about the appropriateness of entertainment, gifts or favours and the direction of the Supervisor shall be followed.

## **7.0 Outside Remuneration**

- a. Employees may engage in remunerative employment with other employers, maintain businesses, and receive remuneration from public funds for activities outside their position provided that:
  - i. the employee discusses their intention to engage in remunerative employment outside of the ALIB with their Supervisor prior to the start of any such activity or for new/potential employees upon commencement of their employment;
  - ii. it does not interfere with the performance of their duties as employees;
  - iii. it does not bring the ALIB into disrepute;
  - iv. it does not represent a conflict of interest;
  - v. it is not performed in such a way as to appear to be an official act of the ALIB, or to represent the ALIB's opinion or policy; and
  - vi. it does not involve the use of the ALIB's premises, services, equipment, supplies, or ALIB-paid time to which employees have access by virtue of their employment with the ALIB.

## **8.0 Outside Business Activities**

- a. Employees shall disclose possible conflicting outside business activities at the commencement of their employment at Adams Lake Indian Band or immediately upon the employee becoming aware of it. Such disclosure shall be made to the employee's Supervisor in writing; however, if for any reason, the employee is not comfortable disclosing their concern to their Supervisor, then such disclosure shall be made to the Manager of

Human Resources. Notwithstanding any outside activities, employees are required to act in the best interest of Adams Lake Indian Band.

- b. No employee shall hold a significant financial interest, either directly or through a family member, relative or associate, or hold or accept a position as an officer or employee in an organization in a material relationship with Adams Lake Indian Band, where by virtue of his or her position in Adams Lake Indian Band, the employee could in any way benefit the other organization by influencing the purchasing, selling or other decisions of Adams Lake Indian Band, unless that interest has been:
  - i. fully disclosed in writing to the employee's Supervisor, and the Manager of Human Resource and
  - ii. a remedy to the conflict situation has been developed.
- c. Upon an employee making a disclosure pursuant to the section of this Policy titled "Outside Business Activities" above, the procedure set out at in the Section titled "Disclosure") shall be followed.
- d. A "significant financial interest" in this context is any interest substantial enough that decisions of Adams Lake Indian Band could result in a personal gain for the employee, their family, relatives or friends.
- e. These restrictions apply equally to interests in companies that may compete with Adams Lake Indian Band in all of its areas of activity.

## **9.0 Use of Computers and other ALIB Property**

- a. Employees are entrusted with the care, management and cost-effective use of Adams Lake Indian Band's property and assets, including the use of Adams Lake Indian Band's name and intellectual property.
- b. Incidental personal use of ALIB resources is acceptable but is limited to responsible activity that minimizes disruption of ALIB business while attending to necessary personal affairs. Incidental Personal Use is defined as any personal use of ALIB-owned resources that:
  - i. is infrequent and brief;
  - ii. does not have a negative impact on overall employee productivity;
  - iii. does not interfere with the normal operations of an employee's department or work unit;
  - iv. does not compromise the ALIB in any way; and
  - v. does not contravene any elements of this policy.
- c. When considering the use of resources for personal reasons, the ALIB expects all employees to exercise the same good judgment that they would use in all work situations. Employees are to reimburse the ALIB for

any expenses incurred by the ALIB that are not ALIB related.

- d. While members of the ALIB Community are granted access to computing resources for ALIB related activity and may use computing resources for the purpose of fulfilling their responsibilities, the ALIB reserves the right to limit, restrict or extend privileges and access.
- e. Use of computing resources for outside business, commercial, or non-incident personal use is prohibited, unless such use is sponsored and approved by the ALIB.
- f. Incidental personal use of computing technology services is acceptable but is limited to responsible activity that minimizes disruption of ALIB business while attending to necessary personal affairs.
- g. Users are required to preserve the privacy of data to which they have access and respect the privacy of other computer users. ALIB members may not gain access to another member's account, alter or delete another's data, or in any way tamper with ALIB-owned computing systems without appropriate authority.
- h. The ALIB reserves the right to monitor usage and inspect data stored on its computer systems to ensure high quality performance of systems or when the ALIB believes that a policy violation has occurred.
- i. Any ALIB member who uses the ALIB systems to gain access to or distribute obscene, pornographic or hateful materials (with the exception of authorized use of legally accessible content for educational purposes) will be subject to appropriate discipline. For cases in which the ALIB believes a policy violation is also a violation of law, the ALIB will involve the appropriate authorities.
- j. The ALIB reserves the right to determine appropriate guidelines for maintaining the security of ALIB operated systems—which includes but is not limited to accounts, user security settings, password criteria—and expects all users of ALIB computing systems to adhere to these guidelines.

## **10.0 Disclosure**

- a. At the time of appointment or employment each individual must disclose to the employee's Supervisor all interests and relationships of which the employee is aware which will or may give rise to a conflict of interest or the perception of a conflict of interest.
- b. Full disclosure enables employees to resolve unclear situations and gives an opportunity to dispose of conflicting interests before any difficulty can arise.
- c. If, at any time during the course of their employment at Adams Lake Indian Band, an employee:

- i. perceives that their actions/activities may be deemed, by a reasonable person, as an actual or potential conflict of interest or an employee becomes aware of a conflict before or after a transaction is complete;
- ii. is concerned that another employee is in a conflict of interest situation; or
- iii. is in doubt whether a situation involves a conflict;

the employee shall disclose, in writing, to their Supervisor the nature, facts and extent of their concern immediately upon becoming aware of a potential conflict of interest. However, if the conflict involves the Supervisor or, for any reason, the employee is not comfortable disclosing their concern to their Supervisor, then such disclosure shall be made to the next level excluded Supervisor.

- d. Upon receiving disclosure under section titled “Disclosure” above, or where other sections in this policy make reference to this paragraph, the following procedure shall apply:
  - i. if the disclosure is made to their Supervisor or the next level excluded Supervisor that person shall immediately consult with and follow the direction and advice provided by the Manager of Human Resources;
  - ii. if the disclosure is made to or advice is sought from the Manager of Human Resources, the Executive Director shall, as necessary, consult with the appropriate people, internal and external to Adams Lake Indian Band, and seek the direction of the ALIB Executive to address the concern; and
  - iii. in all cases, the matter shall be documented including the circumstances surrounding the issue, the nature of the follow-up required and confirmation that the matter has been resolved or a waiver has been approved.
- e. Where Adams Lake Indian Band receives a complaint of a conflict of interest, and the substance of the complaint has not been disclosed according to the “Disclosure” section above, the matter shall be assigned to the Supervisor who shall consult with and follow the direction and advice of the Manager of Human Resources to resolve the matter and make a determination of real or potential conflict of interest.
- f. If it is determined that an employee has been involved in conflict of interest activity, and/or has failed to disclose such activity, the Supervisor and the Manager of Human Resources shall make a recommendation to the appropriate person concerning a remedy, including possible disciplinary actions.

## **11.0 Confidential Information**

- a. In the course of employment employees may have access to, or become aware of, confidential information of the ALIB or of a third party, such as band members, contractors, and suppliers, that has provided such information to the ALIB.
- b. Confidential Information includes proprietary information, technical information, operational information, business information, financial information, personal information relating to ALIB personnel, and all other information which the ALIB treats as confidential.
- c. Employees shall maintain the confidentiality of such information and shall protect such information from loss, theft, misuse and improper disclosure.
- d. Employees shall notify their immediate Supervisor if they have reason to believe that Confidential Information has been lost, stolen, misused or improperly disclosed.
- e. Employees shall not use or disclose confidential information received in the course of their employment that is not available to the general public unless prior authorization is given for its use or disclosure. Employees who are in doubt as to whether certain information is confidential must ask their Supervisor before disclosing, releasing, or transmitting it.
- f. The ALIB will comply with the provisions of the Freedom of Information and Protection of Privacy Act and the Adams Lake Indian Band Freedom of Information and Protection of Privacy policy in regards to the collection, retention, and distribution of information.
- g. The obligations set out in this section continue to apply to individuals after they have left the employ of the ALIB.
- h. All employees are required to sign the “Oath of Confidentiality.”

## **12.0 Compliance, Reporting, and Retaliation**

- a. The Executive Director or designate is responsible for monitoring compliance with this policy.
- b. Adams Lake Indian Band shall behave, and be perceived, as an ethical organization and accordingly, each employee shall adhere to the standards described herein and to the standards set out in applicable policies, guidelines or legislation.
- c. Employees are responsible for making themselves aware of, understanding and complying with all Adams Lake Indian Band policies, including this policy, and are expected to seek clarification where necessary. Normally, the employee’s Supervisor will be responsible for providing guidance on a policy, including these Code of Conduct and Ethics.
- d. Integrity, honesty, and trust are essential elements of Adams Lake Indian

Band's success. Any employee who knows or suspects a breach of this policy has a responsibility to report it to their Supervisor who must report it to their Supervisor, Executive Director, and the Manager of Human Resources.

- e. Compliance with the Code of Conduct and Ethics is a condition of employment for all employees.
- f. Adams Lake Indian Band and its employees will not retaliate against any employee, who in good faith, reports a known or suspected violation of this policy. This means that employees will not be terminated, demoted or discriminated against in any way for reporting legitimate concerns about matters in accordance with this policy, including giving information in relation to an investigation. However, given the seriousness of a false allegation and the resources which will be expended to investigate complaints, Adams Lake Indian Band reserves the right to discipline anyone who knowingly makes a false accusation or knowingly provides false information to Adams Lake Indian Band or others.

### **13.0 Breach of Policy**

- a. Employees found to have breached his/her duty by violating the requirements of this policy may be subject to discipline, up to and including termination, that will be addressed through relevant Adams Lake Indian Band policies, or terms of employment. If a violation of law is involved, the matter may also be referred to the appropriate law enforcement agency.
- b. Any Supervisor who directs or approves of a violation of this policy, or who fails to report a violation, of which he or she has knowledge, is also in violation of this policy and is subject to disciplinary action, up to and including termination of employment.

### **14.0 Exemptions from the Policy**

- a. Employees may request an exemption, in advance, of a requirement of this policy through their Supervisor. All such requests must be documented and require the approval of the ALIB Executive Director prior to action.
- b. An exemption may be granted provided that the Executive Director or Chief and Council finds that sufficient safeguards are in place to ensure that the ALIB's interests are not compromised. If an exemption is granted, conditions may be applied. The fully executed exemption, if any, along with full and detailed disclosure of all material and relevant circumstance respecting the matter will be held in the employee's personnel file.

**Links to Supporting Forms, Documents, Websites**

- O-5.3 Respectful Workplace Policy
- Freedom of Information and Protection of Privacy Act
- BC Human Rights Code
- Oath of Confidentiality O-5.2.1