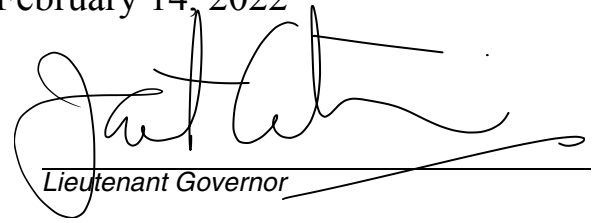


PROVINCE OF BRITISH COLUMBIA

ORDER OF THE LIEUTENANT GOVERNOR IN COUNCIL

Order in Council No. 70


, Approved and Ordered February 14, 2022



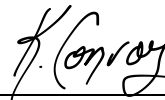
Lieutenant Governor

Executive Council Chambers, Victoria

On the recommendation of the undersigned, the Lieutenant Governor, by and with the advice and consent of the Executive Council, orders that the Standards of Conduct for Political Staff Regulation, B.C. Reg. 67/2014, is amended by repealing the Schedule and substituting the attached Schedule.



Minister of Finance



Presiding Member of the Executive Council

(This part is for administrative purposes only and is not part of the Order.)

Authority under which Order is made:

Act and section: *Public Service Act, R.S.B.C. 1996, c. 385, s. 25*

Other: *OIC 211/2014*

R10543255

SCHEDULE

Standards of Conduct for Political Staff

"Political staff" are persons appointed under section 15(1)(a) of the Public Service Act who report through to the Chief of Staff to the Premier or provide support to a Minister, and who are not assigned job duties of a primarily administrative, technical or communications nature. Most appointees working in the Office of the Premier and supporting Minister's Offices are political staff (e.g., Ministerial Assistants and Executive Assistants). Appointees to Government Communications and Public Engagement are not political staff.

Political staff will exhibit the highest standards of conduct. Their conduct must instill confidence and trust and not bring the Province of British Columbia into disrepute.

The requirement to comply with these standards of conduct is a condition of employment. Political staff who fail to comply with these standards may be subject to disciplinary action up to and including dismissal.

The Standards of Conduct for Political Staff closely resemble the Standards of Conduct applicable to employees of the BC Public Service. However, the Standards of Conduct for Political Staff recognize the unique partisan role performed by political staff and provide guidance on how political staff may exercise their partisan duties while also respecting the non-partisan role of employees in the BC Public Service.

Role of Political Staff

Political staff are generally employed to help Ministers on matters where the non-political and political work of Government overlap and where it would be inappropriate for permanent public servants to become involved. Political staff serve as advisors and assistants who share the ruling party's political commitment, and who can complement the professional, expert and non-partisan advice and support of the permanent public service.

Political staff should ask the manager to whom they report, or the Chief of Staff to the Premier, if they have any questions regarding their role and responsibilities.

Loyalty

Political staff have a duty of loyalty to the government as their employer. They must act honestly and in good faith and place the interests of the employer ahead of their own private interests. The duty committed to in the Political Staff Oath requires political staff to serve the government of the day to the best of their ability.

Confidentiality

Confidential information, in any form, that political staff receive through their employment must not be disclosed, released, or transmitted to anyone other than persons who are authorized to receive the information. Political staff with care or control of personal or sensitive information, electronic media, or devices must handle and dispose of these appropriately. Staff who are in doubt as to whether certain information is confidential must ask the appropriate authority before disclosing, releasing, or transmitting it.

The proper handling and protection of confidential information is applicable both within and outside of government and continues to apply after the employment relationship ends.

Confidential information that political staff receive through their employment must not be used for the purpose of furthering any private interest, or as a means of making personal gains. (See the Conflicts of Interest section below for details.)

Public Comments

Political staff may comment on public issues but must not engage in any activity or speak publicly where this could be perceived as an official act or representation (unless authorized to do so). Staff must not use their position in government to lend weight to the public expression of their personal opinions.

Service to the Public

Political staff must provide service to the public in a manner that is courteous, professional, equitable, efficient, and effective. Staff must be sensitive and responsive to the changing needs, expectations, and rights of a diverse public in the proper performance of their duties.

Workplace Behaviour

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

Further, the conduct of political staff in the workplace must meet acceptable social standards and must contribute to a positive work environment. Bullying or any other inappropriate conduct compromising the integrity of the Province of BC will not be tolerated.

All political staff may expect and have the responsibility to contribute to a safe workplace. Violence in the workplace is unacceptable. Violence is any use of physical force on an individual that causes or could cause injury and includes attempted and threatened use of force.

Political staff must report any incident of violence. Any staff who become aware of a threat must report that threat if there is reasonable cause to believe that the threat poses a risk of injury. Any incident or threat of violence in the workplace must be addressed immediately. Staff must report a safety hazard or unsafe condition or act in accordance with the provisions of the WorkSafeBC Occupational Health and Safety Regulation.

Political staff must conduct themselves professionally, be fit for duty, and be free from impairment (e.g., from alcohol or drugs).

Interactions with the Permanent Public Service

In meeting their responsibility to respect the non-partisanship of ministry staff, political staff have an obligation to inform themselves about the appropriate parameters of conduct set out in the Standards of Conduct for Public Service Employees, and to actively assess their own conduct and any requests they make to ministry employees in light of these parameters.

To the extent possible, relations between political staff and ministry staff should be conducted through the Deputy Minister's Office. The Deputy Minister's Office should be informed about any significant contact between political staff and ministry employees. Ministers, Deputy Ministers, the Chief of Staff to the Premier, and other managers to whom political staff may report should be vigilant in ensuring the appropriate parameters of interaction between political staff and ministry staff are observed.

Political staff may ask ministry employees for information, transmit the Minister's instructions, or be informed of decisions in order to address communications and strategic issues. However, they do not have a direct role in ministry operations and have no legal basis for exercising the delegated authority of Ministers. Nor may political staff give direction to ministry employees on the discharge of their responsibilities.

Examples of appropriate and inappropriate conduct include, but are not limited to, the following:

Appropriate Conduct	Inappropriate Conduct
<ul style="list-style-type: none"> ▶ Convey to ministry employees the Minister's view of issues and direction on work priorities; ▶ Request ministry employees prepare information and analyses; ▶ Hold meetings with ministry employees to discuss advice being prepared for the Minister. 	<ul style="list-style-type: none"> ▶ Ask a ministry employee to do anything inconsistent with their obligations under the Standards of Conduct; ▶ Authorize the expenditure of public funds, have responsibility for budgets, or have any involvement in the award of external contracts; ▶ Exercise any power in relation to the management of employees within their ministry (except in relation to other political staff), including but not limited to playing any role in human resource decisions affecting a public service employee; ▶ Suppress or supplant advice prepared for the Minister by ministry employees (although they may comment on such advice); or substitute advice for that of ministry employees.

Conflicts of Interest

A conflict of interest occurs when a political staff member's private affairs or financial interests are in conflict, or could result in a perception of conflict, with the staff member's duties or responsibilities in such a way that:

- the staff member's ability to act in the public interest could be impaired; or
- the staff member's actions or conduct could undermine or compromise:
 - the public's confidence in the staff member's ability to discharge work responsibilities; or
 - the trust that the public places in the Province of BC.

While the government recognizes the right of political staff to be involved in activities as citizens of the community, conflict must not exist between their private interests and the discharge of their employment duties. Upon appointment, political staff must arrange their private affairs in a manner that will prevent conflicts of interest, or the perception of conflicts of interest, from arising.

Political staff who find themselves in an actual, perceived, or potential conflict of interest must disclose the matter to their manager or the Chief of Staff to the Premier. Examples of conflicts of interest include, but are not limited to, the following:

- A staff member uses government property or equipment or their position, office, or government affiliation to pursue personal interests or the interests of another organization;
- A staff member is in a situation where they are under obligation to a person who might benefit from or seek to gain special consideration or favour;
- A staff member, in the performance of official duties, gives preferential treatment to an individual, corporation, or organization, including a non-profit organization, in which the staff member, or a relative or friend, has an interest, financial or otherwise;
- A staff member benefits from, or is reasonably perceived by the public to have benefited from, the use of information acquired solely by reason of their employment;
- A staff member benefits from, or is reasonably perceived by the public to have benefited from, a government transaction over which they can influence decisions (e.g., investments, sales, purchases, borrowing, grants, contracts, regulatory or discretionary approvals, appointments);
- A staff member accepts from an individual, corporation, or organization, directly or indirectly, a personal gift or benefit that arises out of their employment with the Province of BC, other than:
 - the exchange of hospitality between persons doing business together;

- tokens exchanged as part of protocol;
- the normal presentation of gifts to persons participating in public functions; or
- the normal exchange of gifts between friends; or
- A staff member accepts gifts, donations, or free services for work-related leisure activities other than in situations outlined above.

The following four criteria, when taken together, are intended to guide the judgment of political staff who are considering the acceptance of a gift:

- The benefit is of nominal value;
- The exchange creates no obligation;
- Reciprocation is easy; and
- It occurs infrequently.

Political staff will not solicit a gift, benefit, or service on behalf of themselves or other employees.

Conflict of Interest Guidelines for Political Staff

Guidelines have been established to assist political staff, their managers and the Chief of Staff to the Premier in managing conflict of interest issues. Please see the MyHR section of the BC Government website for more information.

Allegations of Wrongdoing

Political staff have a duty to report any situation relevant to their employment that they believe contravenes the law, misuses public funds or assets, or represents a danger to public health and safety or a significant danger to the environment. Staff can expect such matters to be treated in confidence, unless disclosure of information is authorized or required by law (e.g., the Freedom of Information and Protection of Privacy Act). Staff will not be subject to discipline or reprisal for bringing forward, in good faith, allegations of wrongdoing in accordance with this policy statement.

Political staff must report their allegations or concerns in writing to the manager to whom they report or the Chief of Staff to the Premier, who will acknowledge receipt of the submission and have the matter reviewed and responded to in writing within 30 days of receiving the staff member's submission. Where an allegation involves the staff member's manager, the employee must forward the allegation to the Chief of Staff to the Premier. Where an allegation involves the Chief of Staff to the Premier, the allegation must be forwarded to the Deputy Minister to the Premier.

In addition to these reporting requirements, it is expected political staff will also report to the Comptroller General any irregularities related to the expenditure of public funds as outlined in Section 33.2 of the Financial Administration Act.

Where a political staff member believes that the matter requires a resolution and it has not been reasonably resolved by their employer, they may then refer the allegation to the appropriate authority.

If the staff member decides to pursue the matter further, then:

- Allegations of criminal activity are to be referred to the police in accordance with the Procedure for Reporting Employee Misconduct in Non-Emergency Situations to the Police;
- Allegations of a misuse of public funds are to be referred to the Auditor General;
- Allegations of a danger to public health must be brought to the attention of health authorities; and
- Allegations of a significant danger to the environment must be brought to the attention of the Deputy Minister, Ministry of Environment and Climate Change Strategy.

Employees may also report wrongdoing under the Public Interest Disclosure Act to their supervisor, Chief of Staff to the Premier, designated officer or the Ombudsperson. Employees can find information about

what types of wrongdoing may be reported under PIDA and the process for reporting in the HR Policy on Public Interest Disclosure, and the Managing Public Interest Disclosure Procedures for Political Staff.

Employees who are unsure about whether their concerns could be considered under PIDA can seek advice from their supervisor, designated officer or the Ombudsperson.

An employee reporting a wrongdoing under the Public Interest Disclosure Act to the Ombudsperson is not required to report the same wrongdoing to their employer unless the Ombudsperson does not investigate or does not refer their disclosure. Reporting a wrongdoing to the Ombudsperson does not affect an employee's obligations to cooperate in any investigation into the subject matter of the wrongdoing.

Legal Proceedings

Political staff must not sign affidavits relating to facts that have come to their knowledge in the course of their employment duties for use in court proceedings unless the affidavit has been prepared by a lawyer acting for government in that proceeding or unless it has been approved by a ministry solicitor in the Legal Services Branch, Ministry of Attorney General. Political staff are obliged to cooperate with lawyers defending the Crown's interest during legal proceedings.

A written opinion prepared on behalf of government by any legal counsel is privileged and is, therefore, not to be released without prior approval of the Legal Services Branch.

Working Relationships

Political staff involved in a personal relationship outside work that compromises objectivity, or the perception of objectivity, should avoid being placed in a direct reporting relationship to one another. For example, staff who are direct relatives or who permanently reside together may not be employed in situations where:

- A reporting relationship exists where one staff member has influence, input, or decision-making power over the other's performance evaluation, salary, premiums, special permissions, conditions of work, and similar matters; or
- The working relationship affords an opportunity for collusion between the two staff members that would have a detrimental effect on the employer's interest.

The above restriction on working relationships may be waived provided that the Chief of Staff to the Premier is satisfied that sufficient safeguards are in place to ensure that the employer's interests are not compromised.

Human Resource Decisions

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

For example, staff are not to participate in staffing actions involving direct relatives or persons living in the same household.

Outside Remunerative and Volunteer Work

Political staff may hold jobs outside government, carry on a business, receive remuneration from public funds for activities outside their position, and engage in volunteer activities provided it does not:

- Interfere with the performance of their employment duties;
- Bring the government into disrepute;
- Represent a conflict of interest or create the reasonable perception of a conflict of interest;
- Appear to be an official act or to represent government opinion or policy;

- Involve the unauthorized use of work time or government premises, services, equipment, or supplies; or
- Gain an advantage that is derived from their employment with the Province of BC.

Political staff who are appointed as directors or officers of Crown corporations are not to receive any additional remuneration beyond the reimbursement of appropriate travel expenses except as approved by the Lieutenant Governor in Council.

Responsibilities

Chief of Staff to the Premier and Deputy Chief of Staff to the Premier

- Advise managers of political staff of the required standards of conduct and the consequences of non-compliance, including providing comprehensive orientation to new managers of political staff regarding the Standards of Conduct for Political Staff;
- Provide timely advice and direction to managers of political staff and political staff respecting the application of this policy statement, including guidance on an appropriate employer response to transgressions of this policy;
- Coordinate the development of awareness, training, and communication programs in support of this policy;
- Seek out advice as required on issues that are complex or cannot easily be resolved (e.g., advice from legal counsel, or the Head of the BC Public Service Agency);
- Where a political staff member has no other direct manager to whom they report, the Chief of Staff to the Premier or Deputy Chief of Staff to the Premier assumes the responsibilities assigned below to managers of political staff; and
- Establish procedures for providing advice and managing investigations of serious wrongdoing under the Public Interest Disclosure Act and reporting annually.

Managers of Political Staff

- Provide comprehensive orientation to new political staff regarding the Standards of Conduct for Political Staff;
- Advise political staff of the required standards of conduct and the consequences of non-compliance;
- Promote a work environment that is free of discrimination;
- Respond to reports of bullying, breaches of the Standards of Conduct for Political Staff, and wrongdoing, or refer them to the next level of manager not involved in the manner;
- Deal with breaches of this policy in a timely manner, taking the appropriate action based upon the facts and circumstances, and conferring with the Chief of Staff to the Premier as appropriate;
- Waive the provision on working relationships under the circumstances indicated;
- Delegate authority and responsibility, where applicable, to apply this policy within their organization; and
- Provide advice to and receive disclosures from political staff under the Public Interest Disclosure Act.

Political Staff

- Fulfill their assigned duties and responsibilities, regardless of the party or persons in power and regardless of their personal opinions;
- Disclose and resolve conflicts of interest or potential conflict of interest situations in which they find themselves;
- Maintain appropriate workplace behaviour;
- Report incidents of bullying, breaches of the Standards of Conduct for Political Staff, and wrongdoing.
- Avoid engaging in discriminatory conduct or comment; and,

- Check with their manager or Chief of Staff to the Premier when they are uncertain about any aspect of this policy.