HUMAN SERVICES APPEAL PANELS
CODE OF CONDUCT

1. Preamble

The Human Services Appeal Panels’ Code of Conduct establishes rules and provides guidance to its members, including the Chairs and Vice-Chairs, as it relates to their professional and ethical responsibilities. The Code of Conduct reflects a commitment to the Appeal Panels' values and provides a framework to guide ethical conduct in a way that upholds the integrity and reputation of the Human Services Appeal Panels.

Human Services Appeal Panel members are expected to conduct themselves in accordance with this Code of Conduct. Appeal Panel members assume responsibility for their decisions, actions and behaviours. Appeal Panel members understand that the Code of Conduct does not cover every specific scenario. The Appeal Panel members are expected to use the spirit and intent behind this Code of Conduct to guide their conduct, and exercise care and diligence in the course of their work with the Appeal Panels.

Human Services Appeal Panel members hold a special obligation to Albertans which demands that there not be, nor seem to be, any conflict between the private interests of Appeal Panel members and their duty to the public. To demonstrate commitment to transparency and accountability, this Code of Conduct is available to the public on the Agency Governance Secretariat website at [www.agencygovernance.alberta.ca](http://www.agencygovernance.alberta.ca) and on the Appeal Panels’ webpage at [http://www.appeals.gov.ab.ca](http://www.appeals.gov.ab.ca).

2. Definitions

(a) “Code” means this Code of Conduct, as amended from time to time.


(c) “Hearing panel” means the members assigned to conduct an appeal hearing.

(d) "Panel members" means the individual members of the Appeal Panels (including the Chairs and Vice-Chairs).

(e) “Chair” means the Chair of an Appeal Panel.

(f) “Vice-Chairs” means the Vice-Chairs of an Appeal Panel.

(g) "Minister" means the Minister of Human Services.

(h) "Associate" means the following individuals and organizations:
a. the Panel member’s spouse or adult interdependent partner;
b. a person related to the Panel member by blood, marriage or adoption, or through an adult interdependent partner;
c. a person with whom the Panel member has a significant personal or business relationship;
d. a corporation that is a service provider within the meaning of the Ministry of Human Services of which the Panel member or person listed in clauses (a) to (c) is a director, a senior official or a shareholder; and
e. A partnership in which:
   i. the Panel member or person listed in clauses (a) to (c) is a partner; or
   ii. a corporation is a partner and the Panel member or a person listed in clauses (a) to (c) is a director, a senior officer or a shareholder of the corporation.

(i) "Private Interests" of a Panel member or associate of a Panel member does not include an interest in a matter that:
   a. is of general application;
   b. affects a person as one of a broad class of the public;
   c. affects the compensation or benefits of the Panel member or an associate of the Panel member; or
   d. is trivial.

3. Purpose

The purpose of this Code is to provide guidance to Panel members, including the Chairs and Vice-Chairs, and to maintain and enhance the confidence of the parties to appeal and the public in general in
   • the integrity and competence of members;
   • the fairness and efficiency of appeal hearings; and
   • the impartiality of decisions rendered.

4. Application

This Code applies to all Panel members. Any conflicts not foreseen in the Code should be dealt with in the spirit of the Code.

5. Administration

The Chairs administer the Code for the Appeal Panels.
The Minister administers the Code for the Chairs.
6. Core Values

Values provide guidance from which to make decisions. They help define ethical behaviour and outline expectations for acceptable conduct. The Appeal Panels have identified the values required for individual members. Values include respect, integrity, excellence and accountability. Panel members are expected to conduct their duties with impartiality, integrity and in a professional manner (e.g. treating all without prejudice, basing decisions on objective criteria).

7. Principles of Conduct

The Appeal Panels are bound by the principles of natural justice and procedural fairness. Panel members have a duty to act fairly, in good faith and without bias in adjudicating a matter. Panel members are further expected to act in the best interest of the Appeal Panels in conducting Appeal Panel business.

Each Panel member confirms upon appointment his/her understanding of, and commitment to, the Code’s expectations. Panel members know that if they have any questions about the Code, or are not sure how to apply these principles, they should consult with their Chair. Panel members encourage their colleagues to act fairly and ethically and know they are able to raise concerns about a suspected breach by another to their Chair without fear of reprisal.

The following principles guide the behaviour and decisions of Panel members:

Conflict of Interest and Bias

- Panel members strive to conduct themselves in a manner that does not create bias nor raise a reasonable apprehension of bias.

"Bias" means a lack of neutrality or impartiality on the part of a decision-maker regarding an issue to be decided. A biased decision-maker is predisposed to decide in a party's favour or to a party's detriment, based on considerations that are improper and extraneous to the evidence, law or argument before the decision-maker. Bias may manifest itself in the conduct of a Panel member, in the member's personal associations and interests or in the structure of the decision-making process.

"Conflict of interest" means a situation where the Panel member has the ability to influence a decision made by the Panel that could result in a financial gain or some other benefit to either the Panel members, an associate of the Panel member or both.

Panel members

- have a duty to report all allegations of bias and conflict of interest to the Chair (see Administrative Process, Disclosure: Conflict of Interest and Bias, p. 7).
- will not participate directly in soliciting contributions for political parties.
- who decide to run as candidates in a provincial or federal election will resign from
their position as a member of the Appeal Panels.

- must take reasonable steps to avoid situations where they may be placed in a real or
apparent conflict between their private interests and the interests of the Appeal Panels. Panel members cannot use their role on the Appeal Panels to further the
private interests of themselves, their families, their business associates, or others
with whom they have a significant personal or business relationship.

- must avoid dealing with those in which the relationship between them might bring
into question the impartiality of the Panel member.

- who are considering a new offer of appointment or employment must be aware of
and manage any potential conflicts of interest between their current position and
their future circumstance and must remove themselves from any decisions affecting
their new appointment or employment.

- Panel members do not participate in a matter in which they have a direct or indirect
pecuniary or personal interest that may give rise to a perception of bias.

"Pecuniary interest" exists where the member or a person related to that member may
benefit or suffer financially from the decision.

"Personal interest" exists when a member may favour persons to whom he or she has an
emotional connection, such as a relative, friend, or business associate.

Independence

- Panel members fulfill their duties and responsibilities free of influence from any person,
interest group, political process or other extraneous consideration.
  - Panel members will not accept fees, gifts or other benefits that are connected directly
or indirectly with the performance of their duties, from any individual, organization
or corporation, other than
  - the normal exchange of gifts between friends;
  - tokens exchanged as part of protocol; and
  - the normal presentation of gifts to persons participating in public functions.

Panel Member Influence

- A Panel member must not use his/her influence as a Panel member to secure
employment, special privileges, favours or exceptions for the Panel member or for an
associate of the Panel member.
  - Panel members may participate in additional employment or volunteer work as
long as it does not: result in a conflict of interest with the Appeal Panel’s work;
make use of the Appeal Panel’s resources; contravene confidentiality obligations to the Appeal Panel; or result in being paid for work done under the name of the Appeal Panel.

**Impartiality and Objectivity**

- **Panel members do not prejudge a case.**
  - Panel members may hold tentative views on matters in issue, but remain open to persuasion and alternative points of view.
  - Panel members do not publicly express any opinion about a case within the jurisdiction of the Appeal Panels, or give explanations regarding any case they have heard, decided or reviewed.

**Diligence and Prudence**

- **Panel members perform their official duties and responsibilities fully and diligently.**
  - Panel members will exercise the degree of care, diligence and skill that a reasonably prudent person would exercise in comparable circumstances.
  - Panel members must not use drugs or alcohol in a way that affects their performance and safety or the performance and safety of their colleagues, or that negatively impacts the reputation or operations of the Appeal Panels.
  - Panel members take steps to ensure their skills and knowledge remain relevant to the subject area of the Appeal Panels.

- **Panel members conduct hearings and issue decisions as expeditiously as the circumstances and considerations of fairness permit.**

- **Panel members must not engage in any criminal activity and must comply with all relevant laws, regulations, policies and procedures.**
  - Criteria for appointment and reappointment include satisfactory checks, including security screening.

- **Panel member conduct contributes to a safe and healthy workplace that is free from discrimination, harassment or violence.**

**Courtesy**

- **Panel members treat each person who appears before them with courtesy, dignity and respect.**

- **Panel members conduct themselves generally with reserve, courtesy and discretion.**
- Panel members endeavour to maintain the integrity of the decision-making process.

Confidentiality and Safe Disclosure

- Panel members will not disclose any personal information, written or verbal, coming to their attention or knowledge by way of their involvement in the Appeal Panels except as needed to participate in the quasi-judicial process or as required by law.
  - The use and disclosure of personal information is governed by the Freedom of Information and Protection of Privacy Act. Section 40 of this Act allows a public body to disclose information for use in a quasi-judicial proceeding. Once Panel members have left the Appeal Panels, they must not disclose confidential information that they became aware of during their work with the Appeal Panels.

- Panel members ensure that all personal information, written or verbal, coming to their attention or knowledge by way of their involvement with Appeal Panels is kept confidential.
  - Panel members must respect and protect confidential information, use it only for the work of the Appeal Panels and not use it for personal gain.
  - Panel members must comply with the protocols that guide the collection, storage, use, transmission and disclosure of information.

One Voice and Appeal Panel Collegiality

- A Panel member will not publicly criticize or comment on the decisions, procedures or structures of the Appeal Panels.
  - After the decision is rendered, the hearing panel rendering the decision speaks with one voice. While the Appeal Panels recognize and invite diverse opinion and open discussion on all topics and issues during their meetings and deliberations, each Appeal Panel speaks publicly with one voice.
  - Only the Chair speaks for the Panel. Panel members are not to speak for the Appeal Panel unless formally given such authority. If delegated this authority by the Chair, the member will be expected to reflect the Appeal Panel’s view, position, policy or decision.
  - Panel members will not criticize the motives, ability or personalities of fellow Panel members.

- Panel members foster a collegial approach in performing their official duties and responsibilities.
  - A spirit of collegiality does not preclude members from respectfully disagreeing with the position taken by a colleague.
- Disagreements during meetings are viewed as diverse opinions, which contribute to enriching the discussions.

- Panel members assist colleagues through the exchange of views, information and opinions in a spirit of respect for the special skills and qualities of each member of the Appeal Panels.

**Hearings**

**Contacts Prior to Hearing**

- Panel members will be cautious in their contacts, with any parties prior to the commencement of proceedings and will avoid communications regarding any matter that could be expected to come before the hearing panel.
  - Panel Members do not
    - communicate with a prospective party or witness prior to the commencement of a hearing.
    - comment on the procedure to be followed or on the merits of any matter that may come before the hearing panel.
    - privately seek out evidence on their own.

**Preparation for a Hearing**

- Panel members will be fully prepared for a hearing.

**Hearing the Parties**

- Members have the duty to give the parties to an appeal an opportunity to present their case.

**Maintaining a Judicial Temperament**

- Panel members will maintain a judicial temperament.
  - "Judicial temperament" means being courteous and reserved; behaving in a manner that indicates impartiality and objectivity.

**Contact During A Hearing**

- Panel members or the hearing panel never meet privately with one party in the absence of other parties or hold private interviews with witnesses.

**Deliberations and Rendering Decisions**

- "He who hears must decide"; the hearing panel that hears the appeal must make the decision.

- Panel members will avoid undue delay in delivering their decisions.
8. Authority, Resources and Property

Authority

- A Panel member who has interactions with the Minister or members' interactions with staff must recognize that any individual member or group of members does not have authority over the Minister, staff, contractors, or stakeholders of the Ministry of Human Services.

Resources

- In taking part in Appeal Panel business such as training, meetings, and travel, Panel members will be responsible stewards of public resources.

Intellectual Property

- Any product or technology developed by the Appeal Panels or by Panel members in the course of their work on the Appeal Panels is considered the property of the Government of Alberta. Panel members will not sell, trade, share, market or distribute any such product or technology.

9. Administrative Processes

Disclosure: Conflict of Interest and Bias

- Panel members are required to disclose to the Chair any situation involving them which may give rise to a perception of bias, be a conflict of interest, or be a potential conflict of interest (see Handling Conflicts of interest on the following page).

- The Panel member must disclose the conflict of interest
  - to the Appeal Panel at a meeting if the Panel member first becomes aware of the existing or potential conflict of interest during the meeting, or
  - to the Chair at any other time as soon as the Panel member becomes aware of the existing or potential conflict of interest.

Members understand that disclosure itself does not remove a conflict of interest. Any member with a direct involvement in the matter under appeal or who has the potential for a conflict of interest arising from the decision under appeal shall not sit as a member of that hearing panel. Reasons to withdraw may include having personal knowledge of the appellant, director or a witness or having a pre-conceived bias.

When a concern regarding bias is raised during a hearing, the hearing panel will immediately consider and rule on the issue.

- If the hearing panel rules there is no bias, it may continue with the proceedings.
• If the hearing panel decides that a reasonable apprehension of bias on the part of one of its members exists, that member should be replaced before the proceeding commences.

Reasonable apprehensions of bias can occur through questions that arise in social situations. Panel members do not comment on Appeal Panel business including upcoming, current, or past hearings.

Handling Conflicts of Interest

Conflict of Interest involving a Panel Member other than the Chair

• When the Chair is made aware of an existing or potential conflict of interest, the Chair shall determine whether a conflict of interest exists and advise the member of the nature and extent of the potential conflict of interest.

• If a Panel member discloses an actual or potential conflict of interest to the Chair, or if the Chair determines that a Panel member has failed, whether knowingly or unknowingly, to comply with the requirements for disclosures, the Chair must assess the nature and extent of the conflict of interest.

• In order to assess the nature and extent of the conflict of interest, the Chair may require that the affected Panel member disclose the details of the financial gain or other benefit gained:
  • by the Panel member, or
  • by an associate of the Panel member if the details of the associate's financial gain or other benefit gained are known by the Panel member.

• After assessing the nature and extent of the conflict of interest, the Chair may do one or more of the following.
  • Require the Panel member to abstain from future discussion of the matter and voting on the matter.
  • Require the Panel member to remove himself/herself from the conflict of interest to resolve the conflict.
  • Recommend to the Minister that the Panel member’s appointment be terminated.

The above may be dealt with according to the procedures outlined in the Violations of the Code of Conduct.

Conflict of Interest involving the Chair

• When the Chair is made aware that he/she may have a perceived conflict of interest by participating in a hearing, he/she may resolve the conflict by removing himself/herself from the hearing panel.

• If the conflict has not been resolved, the Chair apprises the Appeals Secretariat of the perceived conflict of interest and may consult Panel Legal Counsel or members of the
relevant Appeal Panel.

- If the Chair has reasonable grounds to believe that he/she may have a conflict of interest, and he/she cannot easily resolve the issue (e.g. by removing himself/herself from the hearing panel), the Chair must disclose the conflict of interest to the Minister.

- When the Minister is made aware of an existing or potential conflict of interest, the Minister shall determine whether a conflict of interest exists. The Minister may appoint any individual he/she deems appropriate to investigate a breach by any member.

**Review Process for Panel Member and Chair**

- Conflict of Interest Reviews of the Chair’s decision may be referred to the Minister.

- There is no review of any conflict of interest decision made by the Minister.

**Violations of the Code of Conduct**

- A Panel member who is alleged to have violated the Code of Conduct will be informed in writing and will be allowed to present their views of such an alleged breach to the Chair. The complaining party must be identified. Panel members who are found to have violated the Code of Conduct may be subject to censure and the Panel member's appointment may be terminated.

- If a Panel member is viewed by the Chair to have neglected or failed to carry out his/her duties, the Chair has an obligation to address the issue. If the Chair cannot resolve the issue, then he/she may consult with the Minister. There is no review of any decision made by the Minister.