

# Code of Conduct for Board Members

## I. Context

The Passenger Transportation Board (Board) is a public tribunal and members should act in a manner to inspire public trust. Each member of the Board must perform his or her duties faithfully, honestly, and impartially.

## II. Purpose of the Code

- To articulate the ethical and professional responsibilities of members conduct and performance
- To foster, reinforce, and maintain a high ethical standard of conduct, performance, and accountability
- To promote public confidence in the credibility of the Board

## III. Application

- The Code applies to all members of the Board: Chair, Vice-Chair, where applicable, and members.
- The Code governs the conduct of members from the commencement of the appointment, as well as continuing responsibilities of members after completion of their appointment.
- It is recognized, however, that the Code cannot anticipate all possible fact situations in which members may be called upon to exercise judgment as to the appropriate standard of conduct. Some circumstances will require that the rules in the Code be adjusted to reflect a different standard of conduct, whether more or less onerous. In each case it is the responsibility of each member to consider the appropriate standard and conduct themselves in an ethical and professional manner.

## IV. Roles and Authorities of Membership

- Members only exercise the authorities of membership and speak on behalf of the Board when they are acting as a member of a panel during the conduct of a hearing or when they are engaged in other official Board business.

## V. Standards of Conduct

### A. Conflict of Interest

1. While on Board business or serving as a decision maker, members function as members of the Board, not of any other constituency or interest group.
2. Members will be vigilant and diligent in identifying and avoiding both real and/or apparent conflict of interest.
  - a. Real conflict of interest exists when a member exercises an official power or performs an official function as a member of the Board, knowing there is the opportunity to promote private interests in the performance of this function, or in the exercise of the power.
  - b. Apparent conflict of interest exists when a reasonably informed person could form the perception that a member's ability to exercise an official function has been or may be affected by a private interest.
3. Members will not participate in Board matters in which they have any possible direct or indirect financial, personal, private, or professional interest or involvement.
4. Members must not accept gifts or benefits from persons who are directly or indirectly affected by a decision of the Board. Members must not accept gifts or benefits from anyone else if: (a) the gifts are more than token or minor hospitality in nature and (b) relate to their membership on the Board. Offers of gifts must be brought to the Chair's attention. Financial gifts must be refused.
5. Members must not knowingly take advantage, make personal use of, or benefit from information obtained in the course of official duties which is not generally available to the public.
6. Members will use Board/government property, including letterhead and business cards, for official Board activities only.
7. Members will not serve on any hearing involving an individual with whom they have or have had a professional relationship within the last three years.

8. Members must not engage in personal conduct which exploits their position of authority for personal gratification or benefit.
9. Members must not engage in any work, business undertaking, political or other activity: in which they have an advantage derived from their appointment as a member; that will, or is reasonably likely to influence or affect the carrying out of their duties as a member; or may reasonably be perceived to influence or affect the carrying out of their duties as a member.
10. Where a member suspects that conflict of interest may exist, they will immediately take steps to declare and/or remove it. If a member is in doubt as to whether or not a conflict exists, they must seek the advice of the Chair; or in the case of the Chair, the advice of the Deputy Attorney General.

## **B. Professional Conduct**

1. Members should make reasonable efforts to ensure that hearings are viewed as fair and impartial by all parties participating and observing.
2. Members should ensure that they know and understand the Passenger Transportation Act and regulations, Board rules, policies, and procedures, and the fundamentals of administrative law before participating in any hearings or decision-making proceedings.
3. Panel members should apply the law to the evidence in good faith and to the best of their ability, notwithstanding the possible unpopularity of the result. The prospect of disapproval from any person, institution, or community must not deter a member from making a decision which they believe is correct based on the law and the evidence.
4. In discussions and consultations with other tribunal members, a member will conduct him/herself in a manner which demonstrates respect for the views and opinions of colleagues.
5. Members should not without prior, specific approval of the Chair make public comment, orally or in writing, on any aspect of a matter before the Board, either before or after a decision. Members should not discuss in private, outside the Board, any aspect of a matter before it. Members should not comment publicly on a decision of colleagues or on the manner in which members have conducted themselves at a hearing.

6. Members should not publicly criticize the decisions, procedures, or structures of the Board. Where a member questions the appropriateness of any policy, procedure or standard, they should raise that issue with colleagues and the Chair at the appropriate forum.
7. Members must not, except in the proper performance of their duties, disclose to any person any information obtained as a member.
8. A former member is prohibited from appearing before the Board as a representative, expert witness, or consultant until six months after ceasing to be a member, or after the release of any outstanding decision, whichever is later. In any event, former members should not, within 24 months after the expiration of their appointment, advise upon matters for which they participated in the decision-making process. Former members must not participate in any way in a reconsideration of their initial decision.
9. Tribunal members are expected to respect this Code even after their appointment has expired.

### **C. Communication Policy**

1. The Attorney General or Cabinet speaks for government policy.
2. The Chair or his/her delegate is the public spokesperson for Board policies and procedures.
3. Tribunal members may come upon an issue or situation that will attract media attention or possibly arise in the Legislature. This might be in the form of a local news story, a question by a reporter, or knowledge of a case that is sensitive or controversial. Tribunal members will alert the Chair or Executive Director, if Chair unavailable, in such cases by phone or e-mail so that there is sufficient time to alert and prepare an informed and comprehensive response, and alert the Minister, where appropriate.