



Code Of Conduct For Volunteers

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The Association of Professional
Engineers and Geoscientists of Alberta

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A CODE OF CONDUCT

The Association of Professional Engineers and Geoscientists of Alberta (“APEGA”) sets forth this Code of Conduct which governs the principles of ethical and legal business conduct of APEGA, including Respectful Workplace, Conflict of Interest, and Confidentiality. APEGA Council may amend the Code from time to time.

1 COMMITMENT OF APEGA

- 1.1** APEGA is committed that its operations and business will be conducted in an ethical and legal manner. Each participant is expected to be familiar with, and to adhere to, this Code as a condition of their involvement in APEGA business. Each participant shall conduct APEGA business with honesty, integrity and fairness and in accordance with the applicable law. The Code of Conduct is intended to provide the terms and/or spirit upon which acceptable/unacceptable conduct is determined and possibly addressed.

2 APPLICATION OF CODE OF CONDUCT

- 2.1** This Code of Conduct applies to and is binding upon all Councillors and Volunteers of APEGA in the course of their participation in, and activities with, APEGA (the “Participants”).
- 2.2** For the purpose of this Code of Conduct:
- (a) “Councillors” refers to the elected and appointed officials of APEGA’s Council;
 - (b) “Volunteers” refers to all individuals acting on behalf of or in the interests of APEGA, without remuneration from APEGA, and includes board, committee, and task force members of APEGA.

3 ACKNOWLEDGEMENT AND UNDERTAKING

- 3.1** In recognition of the importance of this Code of Conduct all Councillors and Volunteers of APEGA shall have a copy of this Code made available to them and shall be deemed to acknowledge and undertake compliance with this Code of Conduct by virtue of accepting nominations or appointment to the Board, Committee or Task Force of APEGA to which they belong or will belong.

B RESPECTFUL WORKPLACE**1 STATEMENT**

- 1.1** APEGA is committed to providing a collegial working environment in which all individuals are treated, and treat each other, with respect and dignity. Each individual has the right to work in a professional atmosphere which promotes equal opportunity and prohibits discriminatory practices and harassment on prohibited grounds.
- 1.2** APEGA prohibits discriminatory practices and/or harassment on prohibited grounds in the workplace, which prohibited grounds include race, ancestry, place of origin, colour, ethnic origin, citizenship, creed (religion), gender, sexual orientation, age,

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marital status, same-sex partnership status, and mental or physical handicap (“Harassment on Prohibited Grounds”).

- 1.3** Harassment on Prohibited Grounds in the workplace is in violation of the law, and is offensive, degrading and threatening and will not be tolerated in APEGA operations. Participants, regardless of seniority or level of authority, found to have engaged in conduct constituting Harassment on Prohibited Grounds will be subject to appropriate discipline, up to and including termination of appointment or voluntary participation as appropriate.

2 DEFINITIONS

- 2.1** “Harassment” means any behaviour in the workplace by an offending Participant of APEGA engaged in any capacity, role or function with APEGA, which behaviour is offensive or objectionable to another Participant or group of Participants.

- 2.2** “Harassment on Prohibited Grounds” means harassment and/or discriminatory conduct in the workplace on the basis of race, ancestry, place of origin, colour, ethnic origin, citizenship, creed (religion), gender, sexual orientation, age, marital status, same-sex partnership status, and mental or physical handicap.

- 2.3** “Sexual Harassment” is a form of discrimination based on gender and is part of the definition of Harassment on Prohibited Grounds. For greater clarity, Sexual Harassment may include unwelcome sexual advances and other visual, verbal, or physical conduct of a perceived sexual nature that causes or is likely to cause offence or humiliation to a Participant; or which might, on reasonable grounds, be perceived by the Participant, either explicitly or implicitly, as:

- (a) placing a term or condition to submit to such conduct on the Participant’s appointment or volunteer activity with APEGA; or
- (b) having the purpose or effect of substantially interfering with a Participant’s work performance or creating an intimidating, hostile, or offensive work environment.

- 2.4** “Workplace” means the office of the APEGA and also includes any meetings held by, or on behalf of APEGA, at any location where business activities of APEGA are conducted, and also include locations where official APEGA social functions are held.

- 2.5** Examples of Harassment on Prohibited Grounds can take many forms, but generally involve conduct, action, comment or display which is insulting, intimidating, humiliating, derogatory, malicious, or otherwise objectionable to another Participant or group of Participants. Such improper conduct may include, but is not limited to,

- (a) Written or verbal abuse or threats.
- (b) Racial or ethnic slurs.
- (c) Unwelcome remarks, jokes, innuendo or taunting about a Participant’s body, attire, age, marital status, ethnic or racial origin, religion, or any other prohibited ground.
- (d) Display of sexual, racial, ethnic or religious offensive material.

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- (e) Unwelcome sexual remarks, gestures, repeated invitation, requests or insults, whether indirect or explicit.
 - (f) Leering or other obscene or offensive gestures.
 - (g) Repeated incidents of wearing inappropriate or obscene clothing that attracts sexual attention, or attracting sexual attention by not wearing appropriate clothing.
 - (h) Unwelcome physical conduct such as touching, kissing, petting, pinching.
 - (i) Sexual assault and physical assault.
- 2.6** In addition to the foregoing, Harassment on Prohibited Grounds also includes any form of retaliation or reprisal against a Participant for having made a complaint, for having participated or cooperated in an investigation into a complaint, or for having associated with the Participant who properly made a complaint.
- 2.7** Harassment on Prohibited Grounds may be either intentional or unintentional; unintentional behaviour may still constitute harassment but may attract different discipline than if the behaviour was intentionally meant to harass. It is not an acceptable complete defence to say that offending action, conduct or comment was not intended.
- 3 RESPONSIBILITIES OF APEGA**
- 3.1** APEGA will exercise its best efforts to:
- (a) Encourage a workplace free from Harassment on Prohibited Grounds.
 - (b) Make all Participants of APEGA aware of the need to provide a workplace free from Harassment on Prohibited Grounds and of the existence of procedures available.
 - (c) Investigate each written complaint of Harassment on Prohibited Grounds.
 - (d) Impose appropriate disciplinary measures when a complaint of Harassment on Prohibited Grounds is found to have been substantiated, regardless of the seniority of the offender.
 - (e) Support each Participant of APEGA who files a complaint of Harassment on Prohibited Grounds.
 - (f) Support each Participant of APEGA who complains of Harassment on Prohibited Grounds in the course of APEGA business by a person who is not a Participant of APEGA.
 - (g) Maintain records as required.
- 3.2** Each Participant of APEGA has a responsibility to play a part in ensuring that APEGA's workplace environment is free from Harassment on Prohibited Grounds. This responsibility is to be discharged by avoidance of any conduct which might be Harassment on Prohibited Grounds. In addition, any Participant of APEGA who believes that another Participant has experienced, or is experiencing, Harassment

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on Prohibited Grounds, or retaliation for having brought forward a complaint, is encouraged to notify the Principal Staff Officer or the President of the Board of Directors.

4 CONFIDENTIALITY

4.1 APEGA understands it is difficult to come forward with a complaint of Harassment on Prohibited Grounds and recognizes the interests of those involved in keeping the matter confidential. To protect the interests of the Complainant, the person complained against, and any others who may report incidents of Harassment on Prohibited Grounds, confidentiality will be maintained throughout the investigatory process to the extent practicable and appropriate under the circumstances.

4.2 All records of complaints, including the context of meetings, interviews, results of investigations, and other relevant material, will be kept confidential by APEGA.

5 PROCEDURE FOR REPORT AND HANDLING COMPLAINTS

The following procedure is intended as a comprehensive guide. Additional or varied procedure, in keeping with the spirit of this section, may be appropriate depending upon the circumstances, at the discretion of the Chief Executive Officer in consultation with the President.

A Participant who believes that he or she has been subjected to Harassment on Prohibited Grounds (“Complainant”) is encouraged to bring the matter to the attention of the Participant exhibiting the offensive conduct (“Complaine”).

Where the Complainant does not wish to bring the matter directly to the attention of the Complaine, or where such an approach is attempted and does not produce a satisfactory result, the Complainant should then seek the advice of the Chief Executive Officer or the President.

Upon receipt of a written complaint, an investigation will be undertaken by a person appointed by the Chief Executive Officer in consultation with the President. The investigator will interview appropriate persons and review relevant evidence, and will have the authority to make findings of fact as discovered from the Complainant, the Complaine, any witnesses or other source of information. The investigator shall report to the Chief Executive Officer and the President the finding of fact and the recommendations of the Investigator. The Chief Executive Officer and President have the power to decide whether Harassment on Prohibited Grounds has been proven, on balance. In the event that the President and the Chief Executive Officer do not agree, the Executive Committee will decide whether Harassment has been proven. (Should the Complainant or Complaine be a member of the Executive Committee they shall reclude themselves from any involvement in the discussion.)

6 DISCIPLINE

If a complaint is substantiated following an investigation, appropriate disciplinary action will be taken by APEGA against any Participant who violates the Respectful Workplace. The exact nature of the discipline will be determined based upon the seriousness of the offence and the presence or absence of steps taken by the Complaine to remedy or apologize for the misconduct. Discipline is at the sole

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discretion of the Executive Committee. (Should the Complainant or Complainee be a member of the Executive Committee they shall recuse themselves from any involvement in the discussion or determination of discipline.) Discipline may include a range of any or all of the following:

- (a) oral warning;
- (b) reprimand in writing;
- (c) requirement for a formal apology;
- (d) report to the Participant's regulatory body, if appropriate;
- (e) termination of appointment /voluntary participation (as appropriate) with or without notice;
- (f) such reasonable and prudent sanction as appropriate in the circumstances.

7 FRIVOLOUS, MALICIOUS OR VEXATIOUS COMPLAINTS

APEGA will not condone frivolous, malicious or vexatious complaints. Any Participant who makes a frivolous, malicious and/or vexatious complaint will be subject to discipline. In the event that the Chief Executive Officer and President find a complaint to not be proven and find the complaint to be frivolous, malicious and/or vexatious in intent, appropriate disciplinary action may be taken against the Complainant. (Should the Complainant or Complainee be a member of the Executive Committee they shall recuse themselves from any involvement in the discussion or determination of discipline.) Discipline is at the sole discretion of the Executive Committee.

8 APPEAL PROCESS

Should the Participant wish to appeal either the decision regarding the result of the investigation or the discipline determined by the Executive Committee, he/she must notify the President in writing. The President will strike an appeal committee made up of three former members of Council. The committee will review the investigation and report back to the President with their recommendation. The decision of the appeal committee will be final.

9 TIME LIMIT FOR FILING A COMPLAINT

Any complaints must be filed within a reasonable time following the occurrence of the event. APEGA has adopted a six month time frame. Unless prescribed by law otherwise, APEGA will have no obligation to deal with a complaint when facts upon which the complaint are based occurred more than six months before the complaint is filed. APEGA is not precluded from dealing with matters that occurred more than six months before the complaint is filed, at the sole discretion of the Chief Executive Officer in consultation with the President. In the event that the Chief Executive Officer and President do not agree, the Executive Committee will decide whether action should be taken. (Should the Complainant or Complainee be a member of the Executive Committee they shall recuse themselves from any involvement in the discussion.)

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C CONFLICT OF INTEREST**1 STATEMENT**

- 1.1** All Participants are required to act in the best interests of APEGA and to ensure that a conflict of interest, or the appearance of a conflict of interest, with APEGA, does not arise.

2 DEFINITIONS

- 2.1** A conflict of interest arises or may appear to arise, under the following circumstances:
- (a) For a Councillor, when his or her private or public interest takes precedent over his or her duties or responsibilities as Councillor;
 - (b) For Volunteers, when his or her private or public interest takes precedent over, or competes with his or her voluntary duties or responsibilities to APEGA.
- 2.2** Conflicts of interests may be real, perceived or potential and may evolve at any time before, during, or after appointment to, or voluntary participation with, APEGA.

3 CONFLICT OF INTEREST PROVISIONS

- 3.1** Participants shall perform their duties for APEGA and arrange their private affairs in such a manner, that confidence and trust in the integrity, objectivity and the impartiality of the APEGA and its Participants are conserved and enhanced. Participants, on appointment and thereafter, shall arrange their private affairs in such a manner so as to prevent real, apparent or potential conflicts of interest with the best interests of APEGA from arising. If such a conflict does arise between the private interests of the Participant and the duties and responsibilities of that Participant to APEGA, the conflict shall be resolved in favour of the best interests of APEGA.
- 3.2** The recognition of a real, perceived or potential conflict of interest is a matter of judgment and the primary responsibility for recognizing a conflict of interest rests with each Participant in the course of their participation in, and activities with, APEGA.

4 PROVISION, DISCLOSURE AND APPROVALS

- 4.1** Upon commencement of his or her participation in, and activities with, APEGA, and thereafter as requested, each Participant shall make a confidential disclosure of all of his or her outside activities which would or might give rise to a real, perceived or potential conflict of interest with APEGA.
- 4.2** Furthermore, during the course of participation in, and activities with, APEGA, all Participants shall identify and disclose a conflict of interest, whether real, perceived or potential, to the Designated Official for consideration by the Designated Official.
- 4.3** The "Designated Official" means the Chief Executive Officer of APEGA.
- 4.4** Once a real, perceived or potential conflict of interest has been identified and disclosed to the Designated Official, the Designated Official shall determine if there

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is a real conflict of interest. In the event of real conflict of interest the Participant shall be required to cease any involvement, or further involvement, in any aspect of the matter to which the conflict relates, under direction from the Designated Official.

5 GIFTS, HOSPITALITY AND OTHER BENEFITS

5.1 All Participants in the course of their participation in, and activities with, APEGA, shall not accept or use for direct or indirect personal advantage or gain, any property, resources or services of APEGA. The Participant's position within APEGA shall not be used for direct or indirect personal advantage or gain.

5.2 Gifts, hospitality or other benefits shall not be given by, or received by, any Participant in the course of his or her participation in, and activities with, APEGA, if the gift, hospitality or other benefit could, or could be perceived to, influence his or her judgment or performance of his or her duties and responsibilities in APEGA. If there is any doubt as to the perceived effect of the gift, hospitality or other benefit, the Participant must seek the decision of the Designated Official.

6 EXPRESSING OPINIONS

6.1 Every Participant in the course of his or her participation in, and activities with, APEGA, whether by direct statement or inference, shall not deliberately misrepresent any policies or objectives of APEGA, as they may be amended from time to time.

7 POLITICAL ACTIVITIES

(a) Pro-Bono Publico Approach

In recognition of the public and social responsibility of the engineering profession in Canada, APEGA supports the activities of every Participant in the course of his or her participation in, and activities with, APEGA, when commenting or offering advice on public policy issues within his or her area of expertise. Where such expertise is offered, it will be done without benefit or expectation of benefit to APEGA, to the Participant, or to the engineering profession as a whole, as part of APEGA's pro-bono publico approach to its relationship with government at every level. The term "pro-bono publico" is used by APEGA to refer to the provision of any activities or services for the good of the public, at no charge, and without any expectation of direct or indirect personal or organizational advantage or gain.

(b) Non-Partisan Stance

In circumstances where APEGA or any of the Participants, in the course of their participation in, or activities with, APEGA, participates in the public policy arena, whether through direct relations with the government, engagement in lobbying activities or by attendance at political campaigns, conferences or events, any such participation by, and on behalf of, APEGA shall be non-partisan in nature. At all times APEGA and the Participants, in the course of their participation in, or activities with, APEGA will participate with all political parties, with no preference or undue advantage being extended to any one political party, political figure or political ideology over another.

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(c) **Activities in Personal Capacity**

Under those circumstances where any Participant is acting in a personal capacity rather than a professional capacity, he or she must exercise scrupulous judgment to avoid the appearance of representing the interests of APEGA.

8 BREACH OF CONFLICT OF INTEREST

8.1 In the event that APEGA becomes aware from any reasonable source that a Participant is, or potentially is, in breach of Conflict of Interest, an investigation will be undertaken by an investigator appointed by the Chief Executive Officer in consultation with the President. Following receipt of the findings of fact and the recommendations of the investigator, the Chief Executive Officer and President have the power to decide whether breach of Conflict of Interest has been proven, on balance, and the consequences thereof. In the event that the Chief Executive Officer & President do not agree, the Executive Committee will decide whether breach of Conflict of Interest has been proven. (Should the Participant be a member of the Executive Committee they shall recuse themselves from any involvement in the discussion.)

8.2 Any Participant found by the Chief Executive Officer and President to have committed a breach of Conflict of Interest may face sanctions and/or discipline as determined by the Executive Committee, which could include one or more of the following:

- (a) requirement that the Participant discontinue or modify his or her outside conduct giving rise to the conflict of interest, or alternatively resign his or her appointment/voluntary participation (as appropriate) with APEGA;
- (b) termination of appointment/voluntary participation (as appropriate) with or without notice;
- (c) such reasonable and prudent sanction as appropriate in the circumstances.

(Should the Participant be a member of the Executive Committee they shall recuse themselves from any involvement in the discussion or determination of sanctions and/or discipline.)

Should the Participant wish to appeal either the decision regarding the result of the investigation or the discipline determined by the Executive Committee, he/she must notify the President in writing. The President will strike an appeal committee made up of three former members of Council. The committee will review the investigation and report back to the President with their recommendation. The decision of the appeal committee will be final.

D CONFIDENTIALITY

1 DEFINITIONS

1.1 "Confidential Information" refers to APEGA related information that is not generally available to the public and that, if disclosed, could result in loss, disadvantage or damage to APEGA or the third party to whom the information relates. Confidential Information includes but is not limited to:

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- (a) APEGA-related Confidential Information regarding plans and activities of APEGA, details of the operations of APEGA including the operations of Council, Committees or Task Forces, and similar information;
- (b) APEGA employee-related information contained in an employee's file not including names and contact information;
- (c) third party information provided to APEGA on a confidential basis for the purpose of APEGA operations.

2 CONFIDENTIALITY PROVISION

2.1 All Confidential Information shall be kept strictly confidential by all Participants unless otherwise permitted by APEGA to be disclosed, or required to be disclosed to APEGA in normal operations or required by law.

2.2 A Participant, either during the course of, or subsequent to, his or her becoming Councillor and/or Volunteer of APEGA, must not:

- (a) divulge any Confidential Information communicated to, produced, or acquired by the Participant, as a result of his or her participation in, and activities with, APEGA;
- (b) divulge any Confidential Information acquired by the Participant in the performance of his or her APEGA-related duties and responsibilities to any person or third party not authorized by APEGA or by law to have such information;
- (c) benefit directly or indirectly in consideration for revealing any Confidential Information; or
- (d) use Confidential Information in any personal undertaking in which the Participant may be, or may become, involved.

3 BREACH OF CONFIDENTIALITY

3.1 In the event that the APEGA becomes aware from any reasonable source that a Participant is, or potentially is, in breach of Confidentiality, an investigation will be undertaken by an investigator appointed by the Chief Executive Officer in consultation with the President. Following receipt of the findings of fact and the recommendations of the investigator, the Chief Executive Officer and President have the power to decide whether breach of Confidentiality has been proven, on balance, and the consequences thereof.

3.2 Any Participant found by the Chief Executive Officer and President to have committed a breach of Confidentiality may face sanctions and/or discipline as determined by the Executive Committee, which could include one or more of the following:

- (a) oral warning;
- (b) reprimand in writing;

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- (c) termination of appointment/voluntary participation (as appropriate) with or without notice;
- (d) such reasonable and prudent sanction as appropriate in the circumstances.

(Should the Participant be a member of the Executive Committee they shall recuse themselves from any involvement in the discussion or determination of sanctions and/or discipline.)

Should the Participant wish to appeal either the decision regarding the result of the investigation or the discipline determined by the Executive Committee, he/she must notify the President in writing. The President will strike an appeal committee made up of three former members of the Board. The committee will review the investigation and report back to the President with their recommendation. The decision of the appeal committee will be final.

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