



# Code of Conduct

Board Members  
And  
Employees

Version 1 - September 2019

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## 1. Introduction

The Alberta Funeral Services Regulatory Board (AFSRB) was created to promote a fair and informed marketplace by protecting consumer rights, enhancing industry professionalism, maintaining rigorous educational standards and enforcing fair business practices.

Albertans have a right to governance by Boards, Agencies and Commissions, which is conducted with impartiality and integrity. It is a special obligation to Albertans that there not be, nor seem to be, any conflict between the private interests of the AFSRB and their duty to the public. The Code reflects a commitment to the Board's values and provides a framework to guide the ethical and respectful conduct in a way that upholds the reputation of the Board and its staff.

The Code applies to All AFSRB and as such are expected to conduct themselves in a way that aligns with this Code. Although not every situation will be outlined in this document, All AFSRB will use the intent and spirit behind this Code to guide their conduct in the course of their work with the AFSRB.

This Code will be available to the public and all stakeholders via the AFSRB's website, to ensure transparency and accountability.

## 2. Definitions

- A. "All AFSRB" includes board members, executive director, and all full time or part time employees of the Alberta Funeral Services Regulatory Board
- B. "Board" means the Alberta Funeral Services Regulatory Board
- C. "Bylaws" means the bylaws created by the Board and approved in accordance with Section 22(2) and 22(3) of the Funeral Services Act.
- D. "Code" refers to the AFSRB Code of Conduct
- E. "Code Administrator" means the person responsible for accepting reports of alleged breaches, investigating the alleged breach, providing a report of their findings and maintaining a record of the allegation and investigation.
- F. "Confidential information" means the proprietary and confidential information of the Board and includes but is not limited to discussions or materials relating to the business of the Board (including draft documents), funeral services information, and business, technical and/or financial information of the Board or funeral services licensees.

### 3. Application of the Code of Conduct

The Code applies to All AFSRB. All AFSRB are protected from retaliation when reporting a potential breach in good faith and with reasonable grounds.

In the role of administering consumer protection legislation, the AFSRB must ensure that this service is conducted with impartiality and integrity within the bounds of the legislation.

In the role of administering oversight of the funeral industry, the AFSRB must ensure that all procedures, processes, actions and decisions are based in good governance and with an impartial view.

In the role of the Executive Director, it is required that a safe and ethical culture is created within the office environment, and that the staff are led by example.

Employees who do not comply with the Code may be subject to disciplinary action up to and including dismissal. All disciplinary action must be commensurate to the severity of the breach.

Board members who do not comply with the Code may be subject to action in accordance with the Regulation (section 37.9).

### 4. Core Values

- Act with impartiality, integrity and objectivity.
- Demonstrate respect, fairness and accountability.
- Demonstrate duty and responsibility for decisions, actions and behaviours.
- Ensure that confidentiality of information or documents is maintained.
- Exercise use of continuous improvement to achieve excellence.
- Ensure they are not in conflict between their Private Interests and duty to the public.

## 5. Administration of the Code of Conduct

### A. Reporting structure

The following reporting structure will apply when there is a breach or allegation of a breach:

- For the Executive Director and Board Members other than the Chair – the Chair is the Code Administrator
- For the employees other than the Executive Director – the Executive Director is the Code Administrator
- For the Chair – the Vice-Chair is the Code Administrator

### B. Complaints

- a. Complaints must be in writing to the Code Administrator (as listed above).
- b. Anonymous complaints will not be considered
- c. An allegation of a breach of the Code has the potential to adversely affect the reputation of the person who is alleged to have committed the breach. As such, malicious reporting of breaches will not be tolerated and may result in consequences for the person who reported the breach, including the potential for termination.

### C. Procedure for investigating breaches and issuing decisions

- a. When a potential breach has been reported to the Code Administrator, the below procedures will be promptly initiated.
- b. The Code Administrator will accept the report of the breach and will commence an investigation.
- c. The Code Administrator will speak to all potential witnesses and the person who is alleged to have committed the breach. All documentation in relation to the breach must be obtained and reviewed.
- d. The person who is alleged to have committed the breach will be given the opportunity to state their case.
- e. Once the Code Administrator has satisfied the above procedures, they will issue a written decision with their findings.
- f. The written decision will include a time frame in which the decision may be appealed.

### D. Appeals

- a. An appeal must be made in writing, within the time frame outlined in the original decision, to the appropriate person as stated below:
  - Decisions by the Chair will be appealed to Vice-Chair unless the vice chair was the subject of the decision, in which case the decision is appealed to Treasurer
  - Decisions by the Executive Director will be appealed to the Chair
  - Decisions by the Vice Chair will be appealed to the Treasurer
- b. The process for handling an appeal will mirror the process outlined for the original reporting of the breach.

## E. Record

Records in relation to a breach of the Code will be maintained in the Board office, or other location deemed appropriate, of all written complaints and findings, including any action taken (reprimands, warnings, disciplinary action, etc.).

## 6. Obligations for the AFSRB

### A. Impartiality

All AFSRB are expected in all regards to conduct their duties with impartiality.

### B. Disclosure of real or apparent conflicts of interest

- All AFSRB are required to disclose any situation involving them which is a conflict or an apparent conflict of interest.
- An individual who fails to appropriately disclose a real or apparent conflict of interest will be considered to have breached this section of the Code
- A conflict of interest or apparent conflict of interest includes:
  - In the course of carrying out their duties with the AFSRB, an individual takes part in a decision, knowing that decision might be of benefit to them or their company or a person directly associated with them.
  - Use their position on the Board to influence a decision that may be of benefit to them or their company or a person directly associated with them
  - Use or communicate information not available to the general public or AFSRB stakeholders, that was obtained in the course of fulfilling their duties
- Those who exercise regulatory, inspection or other discretionary authority over others shall also disqualify themselves from dealing with anyone with whom the relationship between them may bring the individual's impartiality into question, with respect to those functions

### C. Confidentiality

- All AFSRB's role with the Board will give access to proprietary and confidential information belonging to the Board, the funeral services industry and others. Confidential Information remains the confidential and proprietary information of the Board.
- All AFSRB shall, both during and after the time with the Board, keep all Confidential Information confidential and shall not use any of it except for the purpose of carrying out authorized activities on behalf of the Board. All AFSRB may, however, use or disclose Confidential Information which:
  - is or becomes public other than through a breach of this Agreement;

- is known to the individual prior to the date of this Agreement and with respect to which the individual does not have any obligation of confidentiality; or
- is required to be disclosed by law, whether under an order of a court or government tribunal or other legal process, provided that the individual informs the Board of such requirement in sufficient time to allow the Board to avoid such disclosure by the individual.
- All AFSRB shall return or destroy, as directed by the Board, Confidential Information and any other Board property to the Board upon request by the Board at any time. All AFSRB shall certify, by way of affidavit or statutory declaration that all such Confidential Information has been returned or destroyed, as applicable.
- All AFSRB covenants and agrees not to make any unauthorized use whatsoever of or to bring onto the Board's premises for the purpose of making any unauthorized use whatsoever of any trade secrets, confidential information or proprietary property of any third party, including without limitation any trade-marks or copyrighted materials, during the course of the individual's time with the Board.
- All AFSRB agrees that the Individual will, if requested from time to time by the Board, execute such further reasonable agreements as to confidentiality and proprietary rights as the Board's customers or suppliers reasonably required to protect Confidential Information or proprietary property of the Board.
- Regardless of any changes in position or otherwise, including, without limitation, termination of the individual's Term with the Board, unless otherwise stipulated pursuant to the terms hereof, the individual will continue to be subject to each of the terms and conditions of this Agreement and any other(s) executed pursuant to the preceding paragraph.
- The Board follows a strict policy in regard to All AFSRB posting Board information or work place situations on Social Media. The posting of pictures or information obtained in the performance of the position is prohibited. Principles of integrity, professionalism, privacy and impartiality should be observed by All AFSRB at all times

#### D. Acceptance of Gifts

- All AFSRB shall not accept cash or cash equivalents as gifts
- All AFSRB shall not accept or solicit 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
  - The normal 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
- The value of the above exceptions shall not exceed \$150 annually

#### E. Compliance with applicable laws, policies and procedures

- All AFSRB must not engage in any criminal activity and must comply with all relevant laws, regulations, policies and procedures pertaining to AFSRB
- Failure to report criminal charges, offenses or other non-compliance will be considered a breach of the Code.

#### F. Use of AFSRB premises and resources

- Limited use of AFSRB premises and equipment for non-AFSRB purposes is permitted with the approval of the Board
- Personal information and documents stored on AFSRB equipment or on the AFSRB premises is appropriate for workplace standards.
  - AFSRB cannot guarantee the privacy of personal information and documents stored on AFSRB equipment or on the AFSRB premises

#### G. Compliance

- New hires and new Board members will receive a detailed review of the Code
- All AFSRB will annually confirm their understanding and agreement to the expectations in the Code. Annually, All AFSRB will sign a copy of the Code which will constitute this confirmation.

#### H. Change in Eligibility

- The Funeral Services Act General Regulation (section 37.3) outlines the criteria for Board member eligibility. If any eligibility criteria changes, the Board member automatically ceases to hold office.
  - Public Board Member must
    - be a resident of Alberta
    - not be the holder of a licence under the Act and the Regulations, and
    - not have any interest in a funeral services business
  - Industry Board Member must
    - be a resident of Alberta, and
    - be or have been actively engaged in the day to day operations of a funeral services business or a crematory as the owner, a part owner, a business manager, a funeral director, an embalmer or a shareholder
- To remain an employee of the AFSRB, an individual must
  - not hold a licence under the Act or Regulations
  - not obtain any interest in a funeral services business, or
  - not change the status of requirements of the position as outlined in their employment contract

## 7. Board Members (specifically)

Under the Funeral Services Act General Regulation, Section 37.8, there are certain prohibitions that Board members must be aware of while serving on the AFSRB. Although this section is found in the General Regulation and must be adhered to, it is of benefit to include this in the Code as well.

### Prohibitions

37.8 No person while a member shall do any of the following:

- (a) engage directly or indirectly in any business transaction or private arrangement for pecuniary benefit, knowledge of which arises out of the person's being a member;
  
- (b) act in a manner, whether or not prohibited by the Act, the regulations or the bylaws of the Board, that may result in, or create the appearance of,
  - (i) using the member's position for private gain,
  - (ii) giving preferential treatment to any person,
  - (iii) impeding the Board from carrying out its purposes,
  - (iv) foregoing independence or impartiality, or
  - (v) adversely affecting the integrity of the Board;
  
- (c) act in an official capacity or represent the Board, explicitly or implicitly, on any matter in which the member has a real or potential personal interest, direct or indirect, in a manner that is incompatible with the member's duties under the Act, the regulations or the bylaws of the Board;
  
- (d) contract with or otherwise accept the services of a licensee or an applicant to become a licensee on terms that are more favourable than those generally available to the public;
  
- (e) unless previously approved by the Board, accept a fee or a benefit that is not a token benefit from another person on account of an occasion at which the member appears or provides a speech, lecture or publication, if the occasion is part of the official duties of the member for which compensation is being paid by the Board;
  
- (f) contravene the Act, the regulations or the bylaws of the Board;
  
- (g) be absent without Board authorization from 3 consecutive regular Board meetings.

## 8. Effective Date

This code will come into effect on September 25, 2019.

This code will be reviewed annually or as otherwise determined by the AFSRB to ensure it remains current and relevant.

## 9. Acknowledgement and acceptance

This acknowledgement and acceptance statement is to be completed by All AFSRB at appointment or commencement of employment to the Alberta Funeral Services Regulatory Board. It will be completed on an annual basis.

This Code shall be governed by the laws in force in the Province of Alberta. If any provision in this Code is declared illegal or unenforceable, the provision will become void, leaving the remainder of the Code in full force and effect.

I, \_\_\_\_\_, have read and understood the Alberta Funeral Services Regulatory Board Code of Conduct. I have been given the opportunity to seek clarification on my inquiries. I agree to adhere to the principles and requirements contained in this Code. My signature confirms my commitment to uphold the Code and the expectation of the Code.

I acknowledge that I am required to disclose to the Code Administrator any criminal charges brought against me or other situation that arises which may be a real or apparent conflict of interest with my service to the AFSRB.

\_\_\_\_\_  
Signature

\_\_\_\_\_  
Date

\_\_\_\_\_  
Witness signature

\_\_\_\_\_  
Date