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## CODE OF CONDUCT

### [Definitions](#)

#### [1. Purpose](#)

#### [2. Objectives](#)

#### [3. Legislation and Regulations](#)

#### [4. Application](#)

#### [5. Policy](#)

#### [6. Procedures](#)

#### [7. References](#)

#### [8. Document Control Information](#)

## Definitions

The following definitions apply for the purposes of this Policy:

*“Appointed Board”* means the appointed members of the Forest Practices Board and includes the Chair, the Vice-Chair and Board members.

*“Appointed Board Member”* means individual members of the Appointed Board.

*“Board staff”* means staff employed by the Forest Practices Board.

*“Board”* means the Forest Practices Board organization as a whole, and includes the Appointed Board and Board staff.

*“Board or Board’s mandate”* means the purpose and duties of the Forest Practices Board as specified in the following legislation:

- *Forest and Range Practices Act*
- *Wildfire Act*
- Forest Practices Board Regulation

*“Chair”* means Chair of the Forest Practices Board.

*“family”* means the Board Member’s parents, siblings, children or spouse.

*“friend”* means a person with whom there is a close personal relationship based on social interaction and shared interests outside the work or professional environment and which usually involves entertainment or social activities in the home and with other family members. For the purposes of interpreting this Code of Conduct, “friend” does not include an individual with whom there is a personal relationship based only on shared professional or workplace related interests.

*“member”* means an appointed member of the Forest Practices Board.

*“private interest”* is any interest, financial or non-financial, direct or indirect, personal or pertaining to another – that is not a public interest.

*“public interest”* is an interest arising from the exercise of an official power or the performance of an official duty or function that

- (a) applies to the general public; or
- (b) concerns the remuneration and benefits of a member or an officer or employee of the Forest Practices Board.

*“statutory duty”* means any duty, power or function granted to the members of the Board under the *Forest and Range Practices Act* and the *Wildfire Act*.

## 1. Purpose

This policy is intended to assist Appointed Board Members fulfil their statutory duties in a fair and impartial manner free of personal considerations and interests, and to uphold the highest standards of personal conduct.

## 2. Objectives

The objectives of this policy are to:

- a. ensure that the Code of Conduct for Appointed Board Members is current and consistent with legislation, regulations and the Board’s mandate, strategic plan, mission, and values and behaviours;
- b. ensure that Appointed Board Members fulfill the Board’s expectations for how they conduct themselves in relation to conflicts of interest and bias;
- c. maintain the Board’s reputation; and
- d. increase transparency in the conduct of Appointed Board Members.

## 3. Applicable Legislation

*Forest and Range Practices Act*

136(7) Board members must faithfully, honestly and impartially perform their duties.

## 4. Application

This policy applies to Appointed Board Members. It does not apply to Board staff, who are subject to the BC Government’s Standards of Conduct for Public Service Employees.

This Policy applies in addition to the General Conduct Principles for Public Appointees and other agreements and expectations established by the Crown Agencies and Board Resourcing Office (CABRO) as part of the appointment of members to the Board.

## 5. Policy

The following provisions represent the Code of Conduct adopted by the Appointed Board.

### 5.1 Conflict of Interest

- a) An Appointed Board Member has a conflict of interest when the member exercises a statutory duty and at the same time knows, or with the exercise of reasonable diligence should know, that in the performance of the statutory duty there is an opportunity to further his or her private interest.
- b) An Appointed Board Member has an apparent conflict of interest where a reasonably well informed person would reasonably perceive that the member's ability to exercise a statutory duty is or will be affected by his or her private interest.

### Conflict of Interest Prohibition

- a) An Appointed Board Member shall not exercise a statutory duty if:
  - i) the member has a conflict of interest or an apparent conflict of interest; or
  - ii) any of the member's family or friends might receive or appear to receive preferential treatment.

### 5.2 Disclosure Statements

- a) An Appointed Board Member shall, within 60 days of appointment of the Board, and thereafter at the beginning of each calendar year (no later than January 31), file a disclosure statement with the Board. The disclosure statement must be provided by the Appointed Board Member to the Executive Operations Coordinator to the Board.
- b) The disclosure statement shall include:
  - i) any activity, including employment, carrying on a business, or holding an office or directorship, which is related directly, or indirectly, to the *Forest and Range Practices Act* or the *Wildfire Act* of which the Appointed Board Member is involved in or has been involved in during the last 12 months;
  - ii) a description of the nature of any assets, liabilities, and financial interests the Appointed Board Member and the member's spouse has which relates to the Board's work;
  - iii) a list of organizations that the Appointed Board Member belongs to that are directly or indirectly related to matters covered under the *Forest and Range Practices Act* and the *Wildfire Act*;
  - iv) a list of the Appointed Board Member's family who are involved in any activity including employment, carrying on a business, or holding an office or directorship, which is related, directly or indirectly, to the *Forest and Range Practices Act* and the *Wildfire Act*, along with a description of the activity and name of the business involved; and
  - v) a statement of any steps that the Appointed Board Member has taken to address conflicts of interest or perceived conflicts of interest.

- c) An Appointed Board Member must file an amended disclosure statement if any item listed in section 5.2(b) begins or ceases to apply. The member must file an amended disclosure statement with the Executive Operations Coordinator to the Board within 60 days of a change in circumstances unless the Appointed Board Member files a disclosure statement for the following year first.
- d) An Appointed Board Member's disclosure statement or amended disclosure statement may be made available to the public at the discretion of the Chair.

### **5.3 Bias**

- a) An Appointed Board Member is bias, in relation to exercising a statutory duty, if the member has an actual bias or their participation in exercising that statutory duty would give rise to a reasonable apprehension of bias.
- b) A reasonable apprehension of bias exists if a reasonable and informed person, viewing the matter realistically and practically, and having thought the matter through, would think that it is more likely than not that the Appointed Board Member, whether consciously or unconsciously, would not exercise the statutory duty impartially.
- c) A reasonable apprehension of bias may, for example, exist if:
  - i) the Appointed Board Member has a material interest in the outcome of the exercise of a statutory duty including, but not limited to, a close association with a person who may benefit or suffer from the exercise of that statutory duty;
  - ii) the Appointed Board Member has an association with or prior involvement with one or more participants in the exercise of a statutory duty;
  - iii) the Appointed Board Member was a participant in a process or a related process that will be subject to the exercise of a statutory duty; or
  - iv) the Appointed Board Member has demonstrated conduct that suggests bias including, but not limited to, making public statements about a matter that is subject to the exercise of a statutory duty or advocating strongly for a particular position or perspective on a forest practice to the extent that a person would reasonably have the impression that the member is not open minded about the matter.

#### **Addressing bias**

- a) An Appointed Board Member shall recuse themselves from participating in a panel, attending an audit or investigation, or other Board activity related to a report if they are bias or participating or attending would give rise to a reasonable apprehension of bias.
- b) Appointed Board Members are not required to recuse from general board discussions about matters where the member has specific interests and meets the legal test for bias.
- c) Appointed Board Members are appointed in part due to their knowledge and experience in forest management. However, members must be aware of how their work and statements outside of the Board may affect the Board's credibility and reputation.

#### **5.4 Acceptance of Gifts or Extra Benefits**

- a) An Appointed Board Member shall not accept a fee, gift or personal benefit, except compensation authorized by law, that is connected, directly or indirectly, with the performance of his or her statutory duties.
- b) Subsection (a) does not apply to a gift or personal benefit that is received as an incident of protocol or social obligation. If a gift is received in such a situation, it becomes the property of the Board and not the individual Appointed Board Member.
- c) An Appointed Board Member shall refrain from accepting any benefit, the acceptance of which might erode public confidence and trust in the integrity, objectivity, or impartiality of the member.
- d) The Board is responsible for paying all travel costs of an Appointed Board Member travelling on Board business; however, it is not a contravention of this Code of Conduct for a member to accept the benefit of travel from someone external to the Board where there is no reasonable alternative, and there is no personal benefit to the member.

#### **5.5 Insider Information**

- a) An Appointed Board Member shall not use information that is gained in the execution of his or her statutory duties that is not available to the general public, to further, or seek to further, the member's private interest.
- b) An Appointed Board Member must at all times maintain the confidentiality of information and records obtained in the course of fulfilling his or her statutory duties until it becomes public knowledge.

#### **5.6 Addressing Conflicts of Interest**

- a) Appointed Board Members must comply with the procedures described in section 6 of this Code of Conduct.
- b) The Chair will consider any conflicts of interest that Appointed Board Members have when assigning work to members, including assigning members to a panel.
- c) An Appointed Board Member shall make all reasonable efforts to resolve any conflict of interest or apparent conflict of interest in favour of the public interest.
- d) An Appointed Board Member shall arrange his or her activities and private affairs in a manner that does not unduly interfere with his or her statutory duties under the *Forest and Range Practices Act* and the *Wildfire Act* or otherwise unduly limit their participation as a member of the Board.

#### **5.7 Non-Compliance with the Code of Conduct**

- a) The Chair may rule on compliance with this Code of Conduct including whether an Appointed Board Member is bias or in a conflict of interest in relation to the exercise of a statutory duty.

- b) If the Chair finds that an Appointed Board Member violated the provisions of this Code of Conduct, the Chair may:
  - i) require the Appointed Board Member to address the circumstance creating the conflict of interest;
  - ii) disqualify an Appointed Board Member with a bias from exercising a statutory duty; or
  - ii) make recommendations to the Lieutenant Governor in Council with respect to actions that should be taken.
- c) If the Appointed Board Members determine that the Chair violated a provision of this Code of Conduct, a Vice Chair of the Board will inform the Minister, who will determine what actions should be taken.

## **5.8 Roles and Responsibilities**

### **Chair**

- The Chair is responsible for ensuring that the Code of Conduct effectively supports the Board in meeting its statutory duties under section 136(7) of the *Forest and Range Practices Act*.

### **Appointed Board Members**

- Appointed Board Members are responsible for complying with this Code of Conduct policy and procedures in carrying out their duties as a member of the Board.

## **6. Procedures**

- a) Where, during the exercise of a statutory duty, a matter arises which gives an Appointed Board Member reasonable grounds to believe that he or she has a conflict of interest, he or she shall immediately disclose, in writing, to the Chair, the Executive Director and General Counsel of the Board, the general nature of the conflict of interest. The Chair shall evaluate the potential conflict and will determine if the potential conflict meets the criteria established in this policy. If the chair determines that the situation meets the requirements for conflict, then the member shall withdraw from all participation in the matter including, but not limited to:
  - i) having discussions with other Appointed Board Members or Board staff concerning the matter;
  - ii) reviewing any written material in the Board's possession with respect to the matter;
  - iii) attending any meeting, or portion of a meeting, during which the matter is discussed;
  - iv) voting on a resolution in any way connected with the matter; and
  - v) attempting, in any way, to influence other Appointed Board Members in relation to the matter.
- b) If an Appointed Board Member is at a meeting of the Board and a matter arises which gives the member reasonable grounds to believe that he or she has a conflict of interest, the Member shall:
  - i) immediately disclose the general nature of the conflict of interest; and

- ii) withdraw from the meeting without voting or participating in the consideration of the matter.
- c) Where an Appointed Board Member has complied with subsection (b), the following shall be recorded in the minutes:
  - i) the member’s name and disclosure;
  - ii) the general nature of the conflict of interest disclosed; and
  - iii) the time of the member’s withdrawal from the meeting.
- d) Where an Appointed Board Member is determined to have a conflict of interest, the Executive Director is responsible for ensuring that the member does not receive information that may create a further conflict of interest with their activities.
- e) If an Appointed Board Member declares a conflict of interest but it does not, in the Chair’s opinion, meet the test for a conflict in this policy, the Chair may address the perception of conflict including by refraining from appointing the member to participate in any decisions or activities related to the matter.
- f) If the Chair declares a conflict of interest or an apparent conflict of interest, the Vice Chair may take the steps described in paragraphs (e) in relation to the Chair’s declaration.

**7. References**

- Board Policy and Procedures Policy

**8. Document Control Information**

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