

The Lieutenant Governor in Council makes the Premier's and Ministers' Staff Employment Order set out in the attached Appendix.

For Information only

Recommended by: President of Executive Council

Authority:

APPENDIX

PREMIER'S AND MINISTERS' STAFF EMPLOYMENT ORDER

Definitions

1 In this Order,

- (a) "Chief of Staff" means the Chief of Staff, Office of the Premier;
- (b) "Code of Conduct" means the Code of Conduct set out in Schedule 2 to this Order;
- (c) "Premier's and Ministers' staff" means an employee, other than administrative support in the Premier's Office or a Minister's office, who holds
 - (i) a position in the Office of the Premier or an office of a Cabinet Minister, or
 - (ii) a position in any other office designated by the Chief of Staff.

Non-application of the Public Service Act

2(1) The Premier's and Ministers' staff are not employees appointed pursuant to and are not subject to the *Public Service Act*.

Code of Conduct

3 The Premier's and Ministers' staff must comply with the Code of Conduct.

Employment terms and conditions

4(1) Subject to section 6, the terms and conditions of employment of the Premier's and Ministers' staff must be set out in a contract of employment approved by the Chief of Staff.

(2) Despite subsection (1), the contract of employment for the Chief of Staff must be approved by the Premier.

Pay bands

5 The pay bands for the Premier's and Ministers' staff are set out in Schedule 1 to this Order.

Termination and Severance

6(1) In this section,

- (a) "continuous employment" means the period of employment
 - (i) under the applicable contract of employment including any extensions and renewals, and
 - (ii) under any other employment with the Crown, provided the employee has been an employee of the Crown throughout the period;
- (b) "severance" means a payment in lieu of notice of termination;
- (c) "severance period" means the period of notice that an employee is entitled to under subsection (3).

(2) An employee will not receive severance if

- (a) the employee resigns or retires,
- (b) the contract of employment expires, or
- (c) the employment is properly terminated for cause or terminated during a probation period provided for in the contract of employment for unsuitability.

(3) No person may on behalf of the Crown enter into a contract of employment with a person to be employed as a member of the Premier's or Ministers' staff that entitles the employee to

- (a) more notice of termination than the following:
 - (i) 3 months if the employee has less than 1 year of continuous employment, or
 - (ii) 3 months after the first year of service, plus an additional 1 month for each additional year of continuous employment, up to a maximum of 6 months,or
- (b) more severance than the employee's base salary under the contract of employment for the severance period.

(4) Prior to the payment of severance, an employee must enter into an agreement with the Crown that

- (a) releases the Crown from any and all further claims, rights and demands against the Crown arising from the termination, and
- (b) requires the employee to reimburse the Crown for income earned from the Crown in the amount that is the lesser of the following received by the employee for the severance period:
 - (i) any employment income, the value of any employment benefits, and any fees for services;
 - (ii) the amount of severance.

Repeal

7 Order in Council numbered O.C. 192/98 is rescinded.

Application

8 This Order applies to the appointment of a person as a member of the Premier's and Ministers'

staff after the coming into force of this Order and to a person who immediately before the coming into force of this Order is a member of the Premier’s and Ministers’ staff and whose contract of employment is renewed or extended on or after the coming into force of this Order.

Schedule 1

Pay Bands for Premier’s and Ministers’ Staff

Position	Salary Range
Ministerial Executive Assistant	\$73 000 - \$150 000
Ministerial 2	\$120 000 - \$170 000
Ministerial 3	\$150 000 - \$210 000
Chief of Staff, Office of the Premier	\$200 000 - \$280 000

1 Incumbents shall be considered for lump sum payments at such times and in such manner as may be prescribed by Government policy established from time to time.

2(1) The Chief of Staff, Office of the Premier may approve compensation beyond the salary range in exceptional circumstances or where the salary range maximum for the position is or will be an impediment to recruitment or to retention of the incumbent.

(2) Increases in compensation for the Chief of Staff, Office of the Premier must be approved by the Premier.

Schedule 2

CODE OF CONDUCT FOR EMPLOYEES SERVING IN THE OFFICES OF THE PREMIER AND CABINET MINISTERS

The people of Alberta expect and deserve responsible, accountable government. They must be confident that government is trustworthy and focused on the public interest.

Employees that serve the government in the Office of the Premier or in an office of a Cabinet Minister are expected to conduct themselves with the highest standards of professionalism, deportment, ethical behaviour and within the rule of law. Employees must demonstrate the highest degree of integrity, responsibility and accountability to colleagues, the Alberta public service and the people of Alberta.

Definitions

1 For purposes of this Code:

(a) “Code” means this Code of Conduct established under section 3 of the Premier’s and

Ministers' Staff Employment Order, as amended from time to time;

- (b) "government" means the Government of Alberta;
- (c) "member of the Premier's and Ministers' staff" means an individual employed in the Office of the Premier or in an office of a Cabinet Minister or in any other position in an office designated by the Premier's Chief of Staff but does not include administrative support staff in the Premier's Office or a Minister's Office;
- (d) "minor child" means a child under the age of majority;
- (e) "Minister's Chief of Staff" means a Chief of Staff to a Cabinet Minister;
- (f) "Premier's Chief of Staff" means the Chief of Staff, Office of the Premier;
- (g) "relative" means a spouse, adult interdependent partner, child, step-child, legal dependent, parent, sibling, in-law, grandparent, grandchild, niece, nephew, aunt, uncle and first cousin;
- (h) "spouse" means the spouse of a married person who is a member of the Premier's and Ministers' staff but does not include a spouse who is living apart from the member if the member and spouse have separated pursuant to a written separation agreement or if their support obligations and family property have been dealt with by a court order;
- (i) "supervise" means to directly supervise or exercise influence over the assignment of duties, performance evaluation or related responsibilities of an employee.

Application

2 General

- (a) This Code applies to the members of the Premier's and Ministers' staff.
- (b) The Premier's Chief of Staff has the authority to extend the application of the Code to other specific positions and, in exceptional circumstances, to exempt an employee from all or part of the application of this Code.
- (c) This Code applies in addition to any law pertaining to the actions of members of the Premier's and Ministers' staff.
- (d) This Code is in addition to the employment contract that establishes the terms and conditions of employment of members of the Premier's and Ministers' staff.

Administration of the Code

3 Role of the Premier's and Ministers' staff

Members of the Premier's and Ministers' staff are generally employed to help the Premier and Ministers on matters where the non-political and political work of Government overlap and where it would be inappropriate for members of the Alberta public service to become involved. Members of the Premier's and Ministers' staff serve as advisors and assistants who share the government's political commitment, and who can complement the professional, expert and non-partisan advice and support of the Alberta public service.

4 Chief of Staff, Office of the Premier

- (a) The Premier's Chief of Staff
 - (i) is responsible for administering this Code with respect to the members of the Premier's staff and with respect to the Ministers' Chiefs of Staff, and for issuing supplemental instructions to those persons as necessary for implementation of this Code, and

- (ii) shall ensure that members of the Premier's staff and the Ministers' Chiefs of Staff are aware of their obligations under this Code and any supplemental instructions.
- (b) The Ethics Commissioner is responsible for administering this Code with respect to the Premier's Chief of Staff and for issuing supplemental instructions to the Premier's Chief of Staff as necessary for implementation of this Code.
- (c) Any questions regarding the interpretation or application of this Code as it applies to the Premier's staff are to be directed to the Ethics Commissioner.

5 Chiefs of Staff, Ministers' Offices

- (a) Each Minister's Chief of Staff
 - (i) is responsible for administering this Code with respect to the members of the respective Minister's staff, and for issuing supplemental instructions to those members as necessary for implementation of this Code, and
 - (ii) shall ensure that members of the Minister's staff are aware of their obligations under this Code and any supplemental instructions.
- (b) If a Minister's Chief of Staff issues supplemental instructions or provides an exemption that is authorized under this Code, a copy of the instructions or exemption must be promptly provided to the Premier's Chief of Staff.
- (c) Any questions regarding the interpretation or application of this Code as it applies to a Minister's staff are to be directed to the Premier's Chief of Staff.

Employee Responsibilities under the Code

6 Impartiality

Members of the Premier's and Ministers' staff are expected to conduct all aspects of their duties with impartiality.

7 Disclosure

Members of the Premier's and Ministers' staff are required to disclose to the member's Chief of Staff any situation involving them that presents a conflict or an apparent conflict of interest.

Specific Employee Responsibilities

8 Workplace Relationships

- (a) Members of the Premier's and Ministers' staff who exercise direct or discretionary authority over others shall disqualify themselves from dealing with anyone with whom the relationship between them may bring the member's impartiality into question with respect to those functions. In situations where this would impair service delivery, the member must advise the member's Chief of Staff who will provide instructions on how to proceed.
- (b) Relatives of members of the Premier's and Ministers' staff may work in the same office if there is no opportunity to exercise favouritism and no conflict of interest exists for the member involved.
- (c) Members of the Premier's and Ministers' staff may not supervise a relative unless there are extenuating circumstances and the member's Chief of Staff approves an exemption from this section of this Code.
- (d) Members of the Premier's and Ministers' staff shall not participate in a hiring process where applicants include relatives or other individuals if the members' participation could raise a question as to the impartiality of the process.

- (e) Members of the Premier's and Ministers' staff shall, as far as it is known to them, disclose and discuss with the members' Chief of Staff situations which may be, or may appear to be, conflicts of interest under this section.

9 Interactions with the Alberta Public Service

- (a) Members of the Premier's and Ministers' staff may not ask employees of the Alberta public service to engage in any activity that is inconsistent with the Code of Conduct and Ethics for the Public Service of Alberta or the Public Service Act.
- (b) Unless the Premier's Chief of Staff has granted an exemption, work-related communications between members of the Premier's and Ministers' staff and members of the Alberta public service must be coordinated with the respective Deputy Minister's office.

10 Confidentiality

- (a) Members of the Premier's and Ministers' staff shall handle confidential information with the utmost care and integrity and shall not disclose, release or transmit confidential information except as specifically authorized.
- (b) The responsibility for maintaining the confidentiality of information includes the responsibility of ensuring that the information is not directly or indirectly made available to unauthorized persons.
- (c) Members of the Premier's and Ministers' staff must adhere to the requirements of the *Freedom of Information and Protection of Privacy Act*.

11 Public Statements

Members of the Premier's and Ministers' staff shall not make statements on public issues in any way that may be perceived to represent an official act, opinion or policy of the government, except as specifically authorized by the respective Minister or the Minister's Chief of Staff.

12 Political Activity

- (a) Members of the Premier's and Ministers' staff may not use, or authorize the use of, public funds to engage in or support in any way political party activities.
- (b) Members of the Premier's and Ministers' staff may participate in election campaigns and political party leadership campaigns, if their involvement does not interfere with, diminish, or involve in any way, their employment responsibilities.
- (c) Members of the Premier's and Ministers' staff who are elected to federal or provincial office must resign from their employment effective the day they are elected.

13 Outside Employment

- (a) Unless an exemption is provided in writing by the member's Chief of Staff or by the Premier's Chief of Staff in the case of a Minister's Chief of Staff:
 - (i) the member of the Premier's and Ministers' staff shall not enter into other employment;
 - (ii) the member of the Premier's and Ministers' staff shall not be involved in any business or undertaking other than his or her employment with the government.
- (b) The member's Chief of Staff, or the Premier's Chief of Staff in the case of a Chief of Staff

of a Minister may impose any terms or conditions on an exemption.

14 Teaching

- (a) A member of the Premier's and Ministers' staff may, with the written consent of the member's Chief of Staff, teach courses for a fee at institutions, including during normal working hours, if
 - (i) acceptable arrangements can be made for the member to continue to perform all regular duties,
 - (ii) course preparation, student evaluations, and related activities are completed on the member's own time, and
 - (iii) no other conflict arises.
- (b) Where teaching duties infringe or may infringe upon the member's employment responsibilities, the member's Chief of Staff may deny the request or may require that all or part of the fee received be paid to the government.

15 Volunteer Activities

- (a) Members of the Premier's and Ministers' staff are encouraged to participate in volunteer activities, if their involvement
 - (i) does not cause an actual or apparent conflict of interest;
 - (ii) is not performed in a way that may be perceived as an official act, opinion, or policy of the government;
 - (iii) does not interfere with employment responsibilities; and
 - (iv) does not involve the use of government premises, equipment or supplies, unless such use is authorized by the member's Chief of Staff.
- (b) Members of the Premier's and Ministers' staff may engage in volunteer activities if that these activities do not represent a conflict of interest with this Code or interfere with their ability to fulfill their employment responsibilities.
- (c) Members of the Premier's and Ministers' staff may not be involved in any government decision that could impact a volunteer organization with which they are associated.
- (d) Members of the Premier's and Ministers' staff shall disclose to the member's Chief of Staff, and a Minister's Chief of Staff shall disclose to the Premier's Chief of Staff, any interest in a volunteer organization that could raise a conflict of interest or apparent conflict of interest.

16 Investment and Management of Private Assets

- (a) Where an actual or proposed business or financial interest of a member of the Premier's and Ministers' staff, or the member's spouse, adult interdependent partner or minor child is affected, appears to be affected or may be affected by actions taken or decisions made in which the member participates in the course of his or her employment, the member shall disclose the business or financial interest to the member's Chief of Staff.
- (b) If an actual or apparent conflict of interest situation exists under this section, the respective Chief of Staff shall determine the method of resolution.
- (c) Information that is disclosed to a member's Chief of Staff under this section shall be maintained on a confidential basis.
- (d) Notwithstanding clause (c), it is not a breach of confidence if the member's Chief of Staff

or the member of the Premier's and Ministers' staff discloses information to the Ethics Commissioner.

17 Acceptance of Gifts

- (a) Members of the Premier's and Ministers' staff shall 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.
- (b) Subsection (a) does not apply to a fee, gift or other benefit that is accepted by members of the Premier's and Ministers' staff as an incident of protocol or of the social obligations that normally accompany employment with the Office of the Premier or the office of a Cabinet Minister.
- (c) The total value of the fees, gifts, and benefits given from the same source in any calendar year cannot exceed \$200.

18 Trade Knowledge and Intellectual Property

- (a) Any product or technology developed by members of the Premier's and Ministers' staff in the course of their employment with the government is the property of the government.
- (b) Members of the Premier's and Ministers' staff shall not sell, trade, market or distribute any such product or technology unless otherwise authorized by the Premier's Chief of Staff.

19 Dealings in Crown Land

- (a) Members of the Premier's and Ministers' staff are authorized to bid on or to acquire an estate or interest in Crown land if the member has obtained the prior approval of the member's Chief of Staff
- (b) The member's Chief of Staff may approve of the member bidding on or acquiring such an interest only if the terms of the transaction are fair and reasonable, and no conflict of interest exists.
- (c) If a member has obtained an estate or interest in Crown land in compliance with this Code, the member may renew that estate or interest without obtaining approval from the member's Chief of Staff.
- (d) Where a member owns or has an interest in land being purchased by the Crown the member shall declare their employment status to the department involved in the transaction.

20 Acquiring Permits or Licenses for Crown Minerals or Resources

Members are authorized to acquire a local timber permit or an interest in a local timber permit under the Forests Act, where the permit or interest is acquired for the member's own use and not for commercial purpose or for the purpose of re-selling timber.

21 Disclosure of Criminal Charges

- (a) If a member of the Premier's and Ministers' staff is charged with an offence under the Criminal Code of Canada or Controlled Drugs and Substances Act (Canada) arising from the member's conduct while on or off duty, the member shall immediately report the charge to the member's Chief of Staff.
- (b) If a member of the Premier's and Ministers' staff is charged with any other offence under a statute of Canada or a statute of the Province of Alberta, arising from the member's

conduct while on or off duty, the member shall immediately report the charge to the member's Chief of Staff, if the existence of the charge or a conviction for the offence may adversely affect the Minister's or the government's reputation, the conduct of government programs or the member's ability to perform his or her job.

Review Process

22 Review of Decision

- (a) A member of the Ministers' staff may apply to the Premier's Chief of Staff to review a decision made by the member's Chief of Staff in relation to a matter under this Code.
- (b) A member of the Premier's staff may apply to the Premier to review a decision made by the Premier's Chief of Staff in relation to a matter under this Code.
- (c) A member of the Premier's and Ministers' staff may apply to the Ethics Commissioner for a review of a decision made by the member's Chief of Staff under clause (a) or (b).
- (d) If a member of the Premier's and Ministers' staff applies under clause (c), the Ethics Commissioner may investigate and provide a recommendation to the Premier.
- (e) In the case of an appeal by a member of the Premier's and Ministers' staff, other than the Premier's Chief of Staff, if the Ethics Commissioner is unable to act, the Premier must determine an alternative appeal mechanism in consultation with the Premier's Chief of Staff.
- (f) In the case of an appeal by the Premier's Chief of Staff, the Ethics Commissioner must consult with the Premier about an alternative appeal mechanism.

Consequences of a Contravention

23 Contravention of this Code

A member of the Premier's and Ministers' staff who does not comply with any provision of this Code may be subject to disciplinary action, up to and including dismissal.