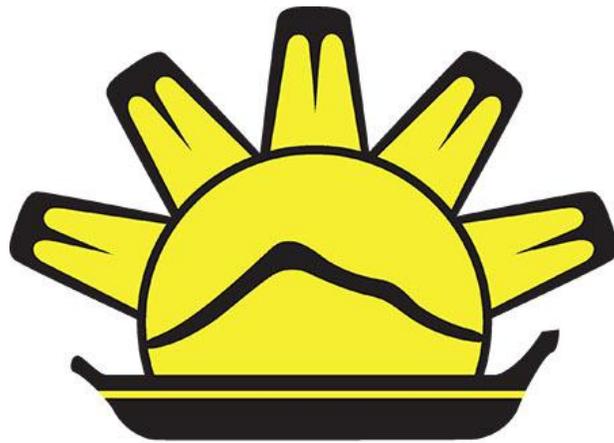


Statement of Policy and Procedure	
BCR#	FAL 2015-004
Issue/Effective Date	December 19, 2015

**Malahat Nation**

## Code of Conduct

**Approved by Council on December 18, 2015**



# Malahat

## 1. Policy

It is Council's policy to have Councillors, Officers, committee members, employees, contractors, and agents involved in the financial administration of the Malahat Nation, make an annual Code of Conduct declaration.

## 2. Purpose

The purpose of this policy is to provide each Councillor, Officer, employee, committee member, contractors and agent with a clear understanding of his/her expected conduct in the performance of their responsibilities.

## 3. Scope

This policy and procedure applies to all individuals involved with the financial administrative system of the Malahat Nation, including Councillors, Officers, committee members, employees, contractors, and agents.

## 4. Definitions

**"Code of Conduct"** is the Schedule 'Avoiding and Mitigating Conflicts of Interest' attached to and forming part of the Malahat Nation's Financial Administration Law.

**"Code of Conduct Declaration"** is the declaration attached to this Policy as Appendix A.

## 5. Responsibilities

- (1) Council members are responsible for reading and understanding the Code of Conduct and signing the Code of Conduct declaration upon commencement of their Term of Office or employment with Malahat Nation.
- (2) Finance and Audit Committee members are responsible for reading and understanding the Code of Conduct and signing the Code of Conduct declaration upon commencement of their term on the Malahat Nation Finance and Audit Committee.
- (3) The Chief Executive Officer is responsible for ensuring that all employees, contractors, and agents are informed of the Code of Conduct and this policy and for ensuring training/orientation on the Code of Conduct is provided to councillors, officers, employees, contractors, and agents in a timely manner upon being hired or elected.
- (4) The Chief Executive Officer is responsible for ensuring all officers, employees, contractors and agents sign the Code of Conduct Declaration annually and submit it to the HR Department.

- (5) Senior Directors of existing and new employees, contractors, and agents are responsible for ensuring their supervised employees, contractors, and agents sign the Code of Conduct Declaration annually and submit it to the HR Department in a timely manner.
- (6) When an officer, employee, contractor or agent reports a potential conflict of interest as required in the Code of Conduct, he or she will complete and file the Conflict of Interest Disclosure Form with the Chief Executive Officer who will submit it to the HR Department.
- (7) When the Chief Executive Officer reports a potential conflict of interest as required in the Code of Conduct, the Chief Executive Officer will complete and file the Conflict of Interest Disclosure Form with the Chair of the Finance and Audit Committee who will submit it to the HR Department. All such reported disclosures will be filed individually but monitored centrally by the HR Department.

## **6. Procedures**

- (1) At the end of each fiscal year, the HR department will communicate, in writing, to the councillors, officers, employees, contractors, and agents to request those who have not been made aware of the Code of Conduct to read and sign the Code of Conduct Declaration and submit it to the HR Department.
- (2) The HR Department will inform the Chair of the Finance and Audit Committee and the Chief Executive Officer of any councillors who have not submitted a signed Declaration.
- (3) The HR Department will inform the Chief Executive Officer and the Director of Finance of all employees, contractors, and agents who have not submitted a Code of Conduct Declaration.
- (4) The HR Department will retain the signed Code of Conduct Declaration forms in the Councillor's, Committee Member's, employee's personnel file, contractor's and agent's file.
- (5) The HR Department will retain all Conflict of Interest Disclosure Forms in the respective file.
- (6) The Council will take action to rectify any instances of non-compliance within 90 days of receiving the compliance report.

## **7. References and Related Authorities**

- (1) FMB's Financial Management System Standards
  - (a) Standard 13.1 – Disclosure Procedures
  - (b) Standard 13.2 – Conduct Training
  - (c) Standard 13.3 – Compliance Declaration
- (2) FMB's Financial Administration Law Standards
  - (a) Standard 12.0 – Conduct

## **8. Attachments**

Appendix A – Code of Conduct Declaration

Appendix B – Conflict of Interest Disclosure Form

## Appendix A – Code of Conduct Declaration

I hereby confirm that I have read and understand the Conduct and Conflict of Interest Expectations set out in the Malahat Nation’s Financial Administration Law (“the Law”) and the Schedule – Avoiding and Mitigating Conflicts of Interest and agree to comply fully with them.

I agree that I will adhere to the following principles and responsibilities governing my professional and ethical conduct.

To the best of my knowledge and ability:

- 1) I will comply with the Law, any other applicable Malahat Nation law and any applicable standards.
- 2) I will act with honesty, good faith and in the best interest of the Malahat Nation.
- 3) I will exercise the care, diligence and skill that a reasonably prudent individual would exercise in comparable circumstances;
- 4) I will avoid any real, potential, or apparent conflicts of interests.
- 5) I will act with due care, competence, and diligence, without misrepresenting material facts or allowing my independent judgement to be subordinated.
- 6) I will respect the confidentiality of information acquired in the course of my work or service except when authorized to do so in the performance of my duties or am otherwise legally obligated to disclose.
- 7) I will ensure responsible use of and control over all Malahat Nation assets and resources entrusted to me.
- 8) I will be accountable for adhering to this declaration.

Declaration of Understanding

\_\_\_\_\_  
Print Name

\_\_\_\_\_  
Signature:

\_\_\_\_\_  
Date:

## Appendix B –Disclosure Form for Conflict of Interest\*

\* Please note that below form may be amended for contractor' use if applicable.

CONFLICT OF INTEREST DISCLOSURE FORM
<p>An employee has a “conflict of interest” when the employee exercises a power or performs a duty or function and at the same time knows or ought reasonably to have known that in the exercise of the power or performance of the duty or function there is an opportunity to benefit the employee’s private interests.</p> <p>Private interests are defined in the FAL Schedule – Avoiding and Mitigating Conflicts of Interests and include the interests of closely associated persons or entities.</p> <p>An employee has an apparent conflict of interest if a reasonably well-informed person would perceive that the employee’s ability to exercise a power or perform a duty or function of their office or position must be affected by the employee’s private interests.</p> <p>All employees are required to declare any actual, potential or apparent conflicts of interest to the Malahat Nation. Conflicts of interest could arise from “personal interests” which include but are not limited to:</p> <ul style="list-style-type: none"><li>• The individuals spouse</li><li>• A person under the age of eighteen (18) years in respect of whom the individual or the individual’s spouse is a parent or acting in a parental capacity;</li><li>• A person in respect of whom the individual or the individual’s spouse is acting as guardian;</li><li>• A person, other than an employee, who is financially dependent upon the individual or the individual’s spouse or on whom the individual is financially dependent; and</li><li>• An entity in which the individual or the individual in combination with any other person described in this section has a controlling interest.</li><li>• Close family or personal relationships with employees in a position to influence the affairs of the First Nation, or otherwise engaged in the affairs of the First Nation</li><li>• Close relationships with individuals having an interest in information, competitive, intellectual or other interests of the First Nation</li></ul>
Declaration: I disclose the following actual, potential or apparent conflicts of interest
Employee name (print):
Employee signature:
Title:
Date: