

British Columbia Farm Industry Review Board
Code of Conduct for Members
Effective March 9, 2017

Overriding duty

1. BCFIRB members must faithfully, honestly and impartially perform their duties and must not, except in the proper performance of those duties, disclose to any person any information obtained as a member.
2. Members are expected to comply with the standards set out in this *Code of Conduct* (Code). Members are expected to act honestly and in good faith, in a professional and ethical manner.
3. This Code is specific to BCFIRB membership and applies in addition to the general conduct principles governing public appointees set out in the publications issued by the Board Resourcing and Development Office entitled *General Conduct Principles for Public Appointees*¹ and *The Standards for Ethical Conduct for Directors of Public Service Organizations*.²

Impartiality

4. BCFIRB members must recuse themselves from any adjudicative review or decision-making process in which the member's participation may result in a reasonable apprehension of bias under the *Natural Products Marketing (BC) Act*, *Farm Practices Protection (Right to Farm Act)* and the *Prevention of Cruelty to Animals Act* (the Acts).
5. A reasonable apprehension of bias arises where an informed person would reasonably perceive, in all the circumstances, that a member would not make a decision according to the degree of impartiality required by law given the member's personal or financial interest in the subject matter, the member's past or present associations, including their connection with a party, stakeholder or witness or subject matter, or based on the member's current or previously expressed views on an issue that is before BCFIRB for decision.
6. Members are responsible for proactively bringing to the attention of the Chair and the Executive Director any potential reasonable apprehension of bias issue. If the issue concerns the Chair, the Chair must direct the issue to the Vice Chair and the Executive Director.

¹ <http://www.brdo.gov.bc.ca/conduct/index.asp>

² <http://www.brdo.gov.bc.ca/conduct/ethicalstandards.pdf>

Conflict of interest

7. In this code, a “conflict of interest” is a particular type of reasonable apprehension of bias. It arises where a BCFIRB member’s personal financial interest, or the financial interest of a family member, conflicts with the required duty of impartiality that applies to the BCFIRB member by law.
8. A member shall disclose any potential conflict of interest to the Chair and the Executive Director, following which legal advice may be taken. If the issue involves the Chair, the Chair must direct the issue to the Vice-Chair and Executive Director.
9. Whether there is a conflict of interest, and what steps should be taken to address a conflict of interest (for example, recusal from a particular matter) is determined on a case-by-case basis.
10. Members shall not accept a gift of any value from any person where the gift is reasonably related to the member’s status as a member of BCFIRB.

Media and social media concerning BCFIRB matters

11. No BCFIRB member may speak to the media or communicate on social media concerning a matter that is active or pending before BCFIRB, or that may foreseeably come before BCFIRB under any of the Acts.
12. BCFIRB decisions speak for themselves. If any additional comment is required, that comment is to come from the Chair or a BCFIRB member assigned to do so by the Chair.
13. No BCFIRB member may speak to the media or communicate on social media about any BCFIRB decision that has been issued, except with the explicit approval of the Chair.
14. Any proposed public appearance, interview or presentation by a BCFIRB member concerning BCFIRB requires the prior written approval of the Chair prior to the appearance, interview or presentation.

Attempted lobbying by elected officials, stakeholders and individuals

15. If an elected official, stakeholder or individual contacts a BCFIRB member about an adjudicative matter that is or may foreseeably come before BCFIRB under any of the Acts, the BCFIRB member must refer the person to the Executive Director, and may refer the person to this *Code* or notify the person that such communications are inappropriate and will not be responded to except as follows:
 - (a) The communication must be for the limited purpose of obtaining information to assist the person or a constituent to understand BCFIRB’s adjudicative decision-

making process or to inquire as to the status of a matter that is before BCFIRB; and

(b) The communication must be neutral in tone and avoid any reasonable perception that it is an attempt to influence either the outcome or the timing of the decision.

Confidentiality

16. A member must, during and after the expiry of the member's term, keep confidential all information obtained as a member, and must not disclose that information except as permitted in the governing Act.
17. A member shall not, during and after the expiry of the member's term, use confidential information obtained as a member to gain personal profit or as a tip to others unless such information has been made generally available to the public.
18. A member shall at all times maintain the security of all information and records that are the property of BCFIRB and shall not make use of or reveal such information.

Active in Board affairs

19. BCFIRB members shall be active in BCFIRB affairs, and prepare for and attend BCFIRB meetings.
20. BCFIRB members shall foster their expertise and professional competence and knowledge in adjudication, relevant law and hearing procedure.

Respect for colleagues, staff, parties

21. Without limiting a member's ability to express and exchange views with regard to questions before the BCFIRB, all BCFIRB members shall foster a collegial approach in performing official duties and responsibilities.
22. BCFIRB members shall treat all BCFIRB staff with dignity and respect.
23. BCFIRB members shall treat all parties and stakeholders with dignity and respect.

Hearing conduct

24. Members shall conduct hearings in a courteous and respectful manner while ensuring that the proceedings are fair, orderly and efficient.
25. Members shall avoid communicating directly or indirectly with any party, counsel, witness or other non-BCFIRB participant appearing before them in a proceeding, except in the presence of all parties or their counsel.

26. Members shall avoid having any social contact with a party, counsel, witness or other non-BCFIRB participant during the course of a proceeding.

Outside activities

27. BCFIRB members shall not engage in outside activities, include public speaking, advocacy, or social media commentary, where such activities would undermine the reasonable perception in a BCFIRB member's impartiality or reasonably be expected to undermine the reputation of BCFIRB.

28. If there is any question as to whether an outside activity might be adversely affect the member's duties on BCFIRB or BCFIRB's reputation, the BCFIRB member shall disclose and discuss the matter with the Chair and shall obtain guidance and advice, including legal advice as appropriate.

29. Unless so authorized by the chair, BCFIRB members must not perform outside activities in a manner that appears to be officially supported by or connected to BCFIRB, or appears to represent BCFIRB opinion or policy. BCFIRB members must not use their position in BCFIRB to lend weight to the public expression of a personal opinion. BCFIRB members must not use BCFIRB letterhead for personal correspondence or non-BCFIRB related matters.

This Code replaces any previous conduct code issued by BCFIRB or the British Columbia Marketing Board (BCMB) for members.
