

POLICY M6

CAPE – Code of Ethics

Code of Ethics for Elected or Appointed Officers

The Canadian Association of Professional Employees

The Canadian Association of Professional Employees (CAPE) and its officers are committed to the highest standard of ethics and conduct. It is an essential duty of all officers of the organization to maintain and enhance the trust and confidence of its members by demonstrating the highest standard of integrity in all their actions and decisions.

CAPE officers shall treat others with respect and dignity. Officers will adopt behaviour and discourses that reflect the professional and collegiate expectations of the membership.

In all union matters, CAPE officers will respect and champion the values of inclusiveness and equity that are the foundation of our organization.

The provisions of the Code are in addition to, and not a substitute for, obligations imposed by statutory or common law. Compliance with the Code does not relieve an officer of the union from any such obligation.

The provisions of the Code are also in addition to, and not a substitute for, the guiding principles and values of the organization as stated in a number of CAPE documents including the preamble of the Constitution, the Harassment Prevention Policy, the Equity and Inclusiveness Policy, the Harassment Statement, Solemn Declaration (Bylaw 11.1) and other constitutional, regulatory and policy statements of the organization.

I. Application

The Code applies to all elected or appointed CAPE officers, whether national or local, entrusted with responsibilities and authorities.

The Code is not exhaustive and is intended to provide general guidelines. An officer of the organization who is unsure of the proper course of action, should ask the following questions:

- Is the course of action or decision that I am considering legal?

- Is the course of action or decision that I am considering consistent with CAPE's Constitution and Bylaws?
- Is it in conflict with the best interest of CAPE?
- Will it meet or exceed the standard of behaviour that the membership can reasonably expect of its officers?
- Have I disclosed all possible financial, political or other personal interests that others may feel influences, or may influence my course of action or decision?

II. Duties

Duty of loyalty – A CAPE officer must act honestly, in good faith and in the best interest of the organization. The officer must place the interest of CAPE ahead of their own personal interest.

Duty of care – A CAPE officer must exercise the degree of skill and diligence reasonably expected of a member with his or her knowledge and experience.

Duty of confidentiality – A CAPE officer must never divulge confidential information that they receive when exercising the duties and responsibilities of their union position, and when they cease to be an officer.

Duty of disclosure – A CAPE officer must advise the proper CAPE authority as soon as they become aware of a matter that should be reported under the Code. A CAPE officer must immediately inform CAPE of a conflict of interest or suspected conflict of interest.

Duty of compliance – A CAPE officer must comply at all times with applicable provisions of the constitution, bylaws, policies and other written authorities of the organization including the Code of Ethics.

III. Conflict of Interest

The duty to avoid conflicts of interest is a component of the duty of loyalty. A conflict of interest is a set of circumstances that creates a risk that professional judgment or actions regarding a primary interest will be unduly influenced by a secondary interest. A conflict of interest may arise in a situation in which a CAPE officer may benefit personally from their dealings as an officer either directly or indirectly. Personal benefits are typically financial but may also be broader in certain circumstances.

There are three types of conflict of interest:

- a) An actual conflict of interest refers to a situation where a CAPE officer exercises power or performs a duty or carries out a responsibility, and in doing so, there is an opportunity for personal gain.

- b) A potential conflict of interest refers to a situation where the individual interest of a CAPE officer could influence the exercise of the officer's power or performance of their duties and responsibilities.
- c) A perceived conflict of interest refers to a situation where an informed person might reasonably hold the apprehension that a conflict of interest exists.

Every CAPE officer must avoid any situation where there is an actual, potential or perceived conflict of interest between the interest of the officer and the best interest of the organization. A perceived conflict of interest can undermine the confidence of members in their union as much as an actual conflict. Therefore, an officer must actively avoid perceived conflicts as much as actual conflicts, and bear in mind that they are subject to the closest membership scrutiny.

CAPE officers should be conscious that as officials of a union they are held to the highest standard of integrity.

The onus is on the CAPE officer to anticipate conflicts of interest arising from their action and to take steps to comply with the rules. One of these steps is to proactively recuse oneself before debating or otherwise taking an active role in deciding an issue where one has an actual, potential, or perceived conflict of interest.

IV. Decision Making and Conflicts

A CAPE officer must disclose a conflict of interest to members who will be affected by the action or decision prior to taking action or making the decision.

Where the action or decision occurs at a meeting, the conflict of interest must be immediately disclosed to the chairperson when the conflict arises during the meeting. The disclosure must be recorded in the Minutes.

The chairperson, after careful consideration of the conflict, may then decide to ask the officer to:

1. Withdraw from discussion of the matter over which there is a conflict;
2. Withdraw temporarily from the meeting during which the matter is being discussed and possibly decided;
3. Withdraw a motion that creates a conflict.

If the matter of conflict is information that should not be shared with the officer, the secretary will take appropriate steps to ensure that the matter is recorded separately in the *in camera* Minutes of the meeting and is not disclosed to the member who has a conflict.

An officer who perceives another officer may be in conflict must identify the potential conflict to the chairperson at the first opportunity.

V. Confidential Information

A CAPE officer must maintain the confidentiality of all information entrusted to them as an officer of the organization except where disclosure is authorized or legally mandated.

An officer may only disclose confidential information to external third parties when disclosure is authorized or required by law or a court proceeding.

At the end of a CAPE officer's term where the term is not extended the officer must return to CAPE's Privacy Officer all materials, files, electronic files or any other items belonging to the organization. The officer must also delete all information belonging to CAPE from all electronic devices.

Providing information of the *in camera* deliberation of a meeting to unauthorized persons is a breach of the duty of confidentiality, unless the subject matter that is being disclosed is a violation of the law, the Constitution, Bylaws or other regulatory and policy statements of the organization and there is a legal justification for the disclosure.

VI. Audits

A CAPE officer must not make false or misleading statements to internal or external auditors or conceal or omit information necessary to make statements to such auditors meaningful. An officer must not withhold records relevant to any subject under review by an internal or external auditor.

VII. Behaviour

CAPE officers are professionals advocating on behalf of professionals. In language and in actions officers shall always adopt behaviour that is appropriate for a constructive exchange of ideas. The Code does not prohibit robust discussion. CAPE is a union that encourages the presentation of contrasting ideas. However, the discussion must occur in a manner that is not threatening, for the purpose of identifying objective arguments, that will ultimately lead to a rationale course of action.

VIII. Harassment and Discrimination

Harassment and discrimination in all their forms will not be tolerated as stipulated in CAPE's Harassment Prevention Policy and its Harassment Statement. CAPE officers shall lead by example and champion inclusiveness and equity.

IX. Code Violation and Disciplinary Measures

A CAPE officer must take all reasonable actions to stop a violation of the Code.

A violation of the Code will be considered conduct prejudicial to the good order and welfare of CAPE or its members for the purposes of CAPE Bylaw 5. Accordingly, CAPE's National Executive Committee will have the power to take disciplinary action where it is found that the Code has been breached by a CAPE officer.

Effective Date

October 30, 2020

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APPENDIX A

➤ Meeting of CAPE's National Executive Committee, October 30 2020:

- **Code of Ethics:** The first draft of the document was originally presented at the June NEC meeting for input to be provided by September 1st. Further to comments received, changes were applied, and the final version was presented to the NEC on September 25th. A typo on the first page was noted and will be corrected.
- Motion to adopt the Code of Ethics document as amended
- **Moved by:** A. Nemec
Seconded by: H. Delnick
Abstentions (2)

By show of hands: Carried unanimously