

CODE OF CONDUCT

The purpose of a Code of Conduct is to enhance public confidence in the integrity and fairness of an administrative process. This Code establishes the rules of conduct for Employment Standards Tribunal Members.

The Tribunal is committed to fostering the highest standards of conduct and professionalism among its Members.

Hearing and Deciding Appeals

Fair treatment. Members treat all parties fairly and respectfully, fostering a climate in which all parties treat each other with respect.

Fair judgement. Members decide each appeal fairly, based on its merits, the law, the evidence, and the arguments presented by the parties. Members observe the rules of natural justice.

Complete reasons. Members provide reasons for their decisions. Decisions are written in plain language and are provided promptly after careful consideration of all relevant information.

Openness. Members do not consider any evidence that has not been shared with all parties. Members do not communicate with one party in the absence of the other party.

Conflict of interest. Members do not decide appeals where they have an actual or potential conflict of interest. If Members become aware of a potential or actual conflict of interest or bias they will:

- tell the parties of the conflict or bias
- ask the parties for their positions on the issue
- consult with the Chair, if appropriate
- decide whether to continue the appeal

If the Member decides to continue with the appeal over the objection of any party, the Member will advise the party of the right to apply for a reconsideration and will address this issue in the written decision.

Members will not act as counsel for a party before the Employment Standards Branch during their term as a Member.

Collegiality

Mutual respect. Members treat colleagues and staff with mutual respect and act in the best interest of the Tribunal.

Professional involvement. Members make themselves available for policy conferences, policy development and other non-decision-making functions, as requested by the Chair. Members keep up-to-date with relevant areas of law.

Terms

Bias	predisposition toward a party; a preference or an inclination that inhibits impartial judgement. Bias exists if the facts could give rise to a reasonable apprehension of bias in the mind of a reasonable and informed person.
Conflict of interest	a conflict between private interests and official responsibilities; it includes both financial and non-financial conflicts. A conflict of interest exists if the facts could give rise to a reasonable apprehension of conflict of interest in the mind of a reasonable and informed person.