



February 10, 2012

Ken Boessenkool

S22

Dear Ken:

I am pleased to confirm your appointment as Chief of Staff, Office of the Premier, effective February 15, 2012, as specified in your appointing Order in Council.

Your status as Chief of Staff will be that of a Deputy Minister and your salary will be \$195,148.22 per annum. The other terms and conditions of your employment are those established for Category C appointments, set out in the Terms and Conditions for Excluded Employees.

As an Order in Council appointee you must conduct yourself in a manner that maintains and enhances the public's trust and confidence in the public service. Please familiarize yourself with the Standards of Conduct for Public Service Employees. Further, as an Order in Council appointee, your order may be rescinded at any time resulting in the termination of your appointment. Attached are the Employment Termination Standards and the Post-Employment Restrictions for your reference.

Should you have any questions about these policies or your entitlements, please contact Lynda Tarras, Head of the BC Public Service Agency.

Once you have reviewed the attached information and signed this letter indicating your acceptance, please return the original letter to my office.



BRITISH
COLUMBIA

I would like to thank you for accepting this appointment and I look forward to working with you.

Sincerely,

A handwritten signature in black ink, appearing to read 'Christy Clark', written over a horizontal line.

Christy Clark
Premier

Attachments

cc: Lynda Tarras
Head, BC Public Service Agency

A handwritten signature in black ink, appearing to read 'Ken Boessenkool', written over a horizontal line.

Ken Boessenkool

13 FEB 2012

Date

Post Employment Restrictions for Senior Management in the BC Public Service

Definitions

"confidential information" means information that is unavailable to the public;

"outside entity" means a person or entity other than a public sector employer as defined in section 1 of the *Public Sector Employers Act*;

BEFORE LEAVING PUBLIC SERVICE

- 1 (1) the following are conditions of your employment with the government:
 - (a) you must not allow yourself to be influenced in carrying out your employment responsibilities by prospects for or an offer of
 - (i) employment as an employee of an outside entity; or
 - (ii) remuneration or other reward from an outside entity for doing anything for it in a capacity other than as an employee of the outside entity;
 - (b) you must immediately disclose to the Deputy Minister to the Premier and Head of the BC Public Service Agency
 - (i) any offer described in paragraph (a), if the offer does or could place you in a conflict of interest situation; or
 - (ii) your acceptance of any offer described in paragraph (a).

AFTER LEAVING PUBLIC SERVICE

- 2 (1) The following are conditions of your employment with the government:
 - (a) after your employment ends, you must not disclose confidential information that you obtained through your employment;
 - (b) if you had a substantial involvement in dealings with an outside entity at any time during the year immediately preceding the end of your employment then, for a year after the end of your employment, you must not
 - (i) accept an offer of employment, an appointment to the board of directors or a contract to provide services to that outside entity;
 - (ii) lobby or otherwise make representations for that outside entity to the government; or
 - (iii) give counsel to that outside entity, for its commercial purposes, concerning the programs or policies of any organization or ministry of the government in which you were employed at any time during the year immediately preceding the termination of your employment; or
 - (c) until one year after your employment ends, you
 - (i) must not lobby or otherwise make representations for any outside entity to any ministry or organization of the government in which you were employed at any time during the year immediately preceding the termination of your employment; or
 - (ii) act for an outside entity in connection with any ongoing proceedings, transaction, negotiation or case in which the outside entity and the government are involved
 - (A) if you, during your former employment with the government, acted for or advised the government concerning the proceedings, transaction, negotiation or case; and
 - (B) acting for the outside entity in that connection would result in the receipt by the outside entity of a private or commercial benefit or of any benefit not for general application.

REDUCTION OF ONE-YEAR LIMITATION

The Head of the BC Public Service Agency in consultation with the Deputy Minister to the Premier may reduce the one-year restriction, upon your application, after considering the following:

- (a) the circumstances under which your employment ended;
- (b) your general employment prospects;
- (c) the significance to the government of information you possessed by virtue of your position with the government;
- (d) the desirability of a rapid transfer of your skills to an employer other than the government;
- (e) the degree to which the new employer might gain unfair commercial advantage by hiring you;
- (f) the authority and influence you possessed while employed by the government;
- (g) the disposition of other cases.

Effective October 30, 2009

This is not the official version.
Deposited November 18, 1997

Effective May 1, 1997
B.C. Reg 379/97
O.C. 1266/97

Public Sector Employers Act

The Employment Termination Standards established by the Public Sector Employers Council are adopted as employment termination standards for the purposes of section 14.4 of the *Public Sector Employers Act*.

EMPLOYMENT TERMINATION STANDARDS

[includes amendments up to those made by 2002-64-Sch.]

Contents

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- 2 Limitation on notice period and severance
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- 5 Amount of notice and severance
 - 5.1 Executive-notice-and severance
- 6 Re-employment in the public sector
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Definitions

1 In these standards:

"Act" means the *Public Sector Employers Act*;

"employee" has the same meaning as in section 14.1 of the Act;

"notice of termination" means notification by a public sector employer to an employee that his or her contract of employment will be terminated;

"notice period" means the length of time from the date on which notice of termination is given to an employee until the date on which employment will terminate;

"retiring allowance," means a payment that, by a contract of employment, an employee may receive on or after retirement of the employee from his or her employment in recognition of the employee's service, but does not include the following:

- (a) superannuation or a pension benefit;
- (b) an amount received as a consequence of the death of the employee;
- (c) a benefit designated by the minister;

"severance" means the severance payment made in lieu of the notice period;

"successor employer" means a purchaser, lessee or transferee referred to in section 35 of the *Labour Relations Code*.

(am. 2002-64-Sch, s. 1)

Limitation on notice period and severance

2 (1) An employee must not be given a notice period or severance in the case of

- (a) termination for cause,
- (b) expiry of a contract of employment with a definite term, or
- (c) voluntary resignation or retirement.

(2) Subsection (1) does not prevent an employer from providing severance under a labour adjustment policy or program approved by the minister.

(3) A labour adjustment policy or program approved by the council before this subsection comes into force is deemed to be a labour adjustment policy or program approved by the minister for the purposes of subsection (2).

(am. 2002-64-Sch, s. 2)

Limitation on retiring allowance

2.1 (1) An employee who receives a notice period or severance must not be given a retiring allowance.

(2) Subsection (1) does not prevent an employer from providing a retiring allowance under a labour adjustment policy or program approved by the minister.

(3) A labour adjustment policy or program approved by the council before this subsection comes into force is deemed to be a labour adjustment policy or program approved by the minister for the purposes of subsection (2).

(en. 2002-64-Sch, s. 3)

Duties of employee during notice period

3 (1) During the notice period, a public sector employer, in its sole discretion, may

- (a) require the employee to continue with his or her duties, assignment, tasks or projects,
- (b) assign the employee to other duties, assignments, tasks or projects with the same or a successor employer, notwithstanding that the assignment may amount to a constructive dismissal, if
 - (i) the assignment is reasonably consistent with the employee's ability and responsibility at the time of the assignment, and
 - (ii) the employee is not required to relocate unreasonably,
- (c) assign the employee to a non-successor employer with the agreement of the employee, or
- (d) excuse the employee from performing his or her duties.

(2) If an employee refuses to perform duties assigned by the employer in accordance with this section, the employee is deemed to have voluntarily resigned and is not entitled to a continuation of the notice period or any payment in lieu of the notice period.

Severance payment instead of notice

4 (1) If an employer terminates employment without cause and excuses the employee from performing his or her duties under section 3 (1) (d), the employer, in its sole discretion, may provide the employee with severance.

(2) Severance must be in the form of periodic payments unless the employer, in its sole discretion, considers a lump sum payment to be more appropriate.

Amount of notice and severance

5 (1) A notice period or severance must not exceed the following:

(a) an amount calculated according to an employment termination plan for the employee that has been approved by the minister;

(b) if no employment termination plan has been approved by the council, the lesser of

(i) an amount equal to the remaining term of the contract, or

(ii) an amount provided under common law calculated as though the employee were subject to an indefinite term agreement with no provision regarding severance.

(1.1) An employment termination plan approved by the council before this subsection comes into force is deemed to be an employment termination plan approved by the minister for the purposes of subsection (1).

(2) Despite subsection (1), the maximum notice period that an employee may be given is 18 months.

(3) Despite subsection (1), the maximum severance that an employee may be given is the value of salary and benefits the employee would otherwise be entitled to for the notice period.

(am. 2002-64-Sch s. 4)

Executive notice and severance

5.1 (1) In addition to the limits imposed under section 5, this section applies in relation to employees of a public sector employer, other than an employer referred to in paragraph (g) of the definition of "public sector employer" in section 1 of the Act, who are appointed to or employed in the following positions:

(a) deputy minister;

(b) chief executive officer or president of a public sector employer;

(c) superintendent of a school.

(2) The notice period or severance that may be given to an employee in a position referred to in subsection (1) must not exceed

(a) an amount calculated according to an employment termination plan for the employee that has been approved by the Treasury Board, or

(b) if no employment termination plan has been approved by the Treasury Board, the following limits:

(i) up to a 6 month notice period or severance, if the employee has served or been employed in that position for fewer than 12 months;

(ii) up to a 9 month notice period or severance, if the employee has served or been employed in that position for 12 to 17 months;

(iii) up to a 12 month notice period or severance, if the employee has served or been employed in that position for 18 to 35 months;

(iv) up to a 14 month notice period or severance, if the employee has served or been employed in that position for 36 to 47 months;

(v) up to a 16 month notice period or severance, if the employee has served or been employed in that position for 48 to 59 months;

(vi) up to an 18 month notice period or severance, if the employee has served or been employed in that position for 60 or more months.

(3) Treasury Board may not approve an employment termination plan under subsection (2) (a) that would provide an employee more than a 12-month notice period or severance for fewer than 18 months of service or employment.

(4) An employment termination plan approved by the council before this subsection comes into force is deemed to be an employment termination plan approved by the Treasury Board for the purposes of subsection (2).

[en. 2002-64-Sch, s. 5]

Re-employment in the public sector

6 (1) In this section, "**re-employment**" includes entering into a contract for services with a public sector employer either individually or through a sole proprietorship, partnership or corporation.

(2) An employee must notify the employer of any re-employment with a public sector employer during the notice period or period of notice in lieu of which severance is provided.

(3) If an employee commences employment with a public sector employer during the notice period or period of notice in lieu of which severance is provided,

(a) no severance covering this period of re-employment is payable, and

(b) the employee must pay the government any amount that is attributable to the period during which the employee is re-employed.

(4) During the notice period or period in lieu of which severance is provided, if an employee is re-employed at a lower level of compensation, nothing in this section prevents an employer from providing to the employee an amount equivalent to the difference between their former compensation level and their compensation level upon re-employment.

Term of employment contracts

7 If an employee is employed under a contract of employment for a definite term the contract must

(a) subject to paragraph (b), be for a term of not more than 5 years, and

(b) if employment under the contract may be extended for more than 5 years, make the extension conditional on a renegotiation of the contract during the term of the contract.

[en. 2002-64-Sch, s. 6]

Provisions of the *Public Sector Employers Act*, R.S.B.C. 1996, c. 384, relevant to the enactment of this regulation: section 14.4]

The **Standards of Conduct Policy** for BC Public Service employees can be read online and downloaded in printable format.

The objectives of this policy are to describe the standards of conduct expected of employees and to define employer and employee responsibilities related to them. Some of the principles described in the policy statement are reflected in the Oath of Employment taken by all employees upon entering the Public Service.

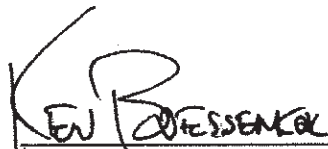
Public Service employees who breach the Standards of Conduct may be subject to disciplinary action up to and including dismissal.

Please ensure you read the policy and adhere to its principles and procedures, noting especially the accountabilities of employees. **Sign the statement at the bottom of this page and return it to MyHR@gov.bc.ca within ten working days.** Retain the attached policy for your records.

I hereby acknowledge that I have received a copy of the policy on Standards of Conduct and that I have read and understood this policy.



Signature



Name



Date

Standards of Conduct

09 – Policy Statement

Brought to you by the
BC Public Service Agency



Where ideas work

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This policy statement applies to all persons and organizations covered by the Public Service Act. The policy statement supports the core policy objective that "public service employees exhibit the highest standards of conduct."

Employees will exhibit the highest standards of conduct. Their conduct must instill confidence and trust and not bring the BC Public Service into disrepute. The honesty and integrity of the BC Public Service demands the impartiality of employees in the conduct of their duties.

The requirement to comply with these standards of conduct is a condition of employment. Employees who fail to comply with these standards may be subject to disciplinary action up to and including dismissal.

Loyalty

Public service employees have a duty of loyalty to the government as their employer. They must act honestly and in good faith and place the interests of the employer ahead of their own private interests. The duty committed to in the Oath of Employment requires BC Public Service employees to serve the government of the day to the best of their ability.

Confidentiality

Confidential information, in any form, that employees receive through their employment must not be disclosed, released, or transmitted to anyone other than persons who are authorized to receive the information. Employees with care or control of personal or sensitive information, electronic media, or devices must handle and dispose of these appropriately. Employees who are in doubt as to whether certain information is confidential must ask the appropriate authority before disclosing, releasing, or transmitting it.

The proper handling and protection of confidential information is applicable both within and outside of government and continues to apply after the employment relationship ends.

Confidential information that employees receive through their employment must not be used by an employee for the purpose of furthering any private interest, or as a means of making personal gains. (See the Conflicts of Interest section of this policy statement for details.)

Public Comments

BC Public Service employees may comment on public issues but must not engage in any activity or speak publicly where this could be perceived as an official act or representation (unless authorized to do so).

Employees must not jeopardize the perception of impartiality in the performance of their duties through making public comments or entering into public debate regarding ministry policies. BC Public Service employees must not use their position in government to lend weight to the public expression of their personal opinions.

Political Activity

BC Public Service employees may participate in political activities including membership in a political party, supporting a candidate for elected office, or seeking elected office. Employees' political activities, however, must be clearly separated from activities related to their employment.

If engaging in political activities, employees must remain impartial and retain the perception of impartiality in relation to their duties and responsibilities. Employees must not engage in political activities during working hours or use government facilities, equipment, or resources in support of these activities.

Partisan politics are not to be introduced into the workplace; however, informal private discussions among co-workers are acceptable.

Service to the Public

BC Public Service employees must provide service to the public in a manner that is courteous, professional, equitable, efficient, and effective. Employees must be sensitive and responsive to the changing needs, expectations, and rights of a diverse public in the proper performance of their duties.

Workplace Behavior

Employees are to treat each other with respect and dignity and must not engage in discriminatory conduct prohibited by the Human Rights Code. The prohibited grounds are race, colour, ancestry, place of origin, religion, family status, marital status, physical disability, mental disability, sex, sexual orientation, age, political belief or conviction of a criminal or summary offence unrelated to the individual's employment.

Further, the conduct of BC Public Service employees in the workplace must meet acceptable social standards and must contribute to a positive work environment. An employee's conduct must not compromise the integrity of the BC Public Service.

All employees may expect and have the responsibility to contribute to a safe workplace. Violence in the workplace is unacceptable. Violence is any use of physical force on an individual that causes or could cause injury and includes an attempt or threatened use of force.

Employees must report any incident of violence. Any employee who becomes aware of a threat must report that threat if there is reasonable cause to believe that the threat poses a risk of injury. Any incident or threat of violence in the workplace must be addressed immediately.

Employees must report a safety hazard or unsafe condition or act in accordance with the provisions of the WorkSafeBC Occupational Health and Safety Regulations.

Conflicts of Interest

A conflict of interest occurs when an employee's private affairs or financial interests are in conflict, or could result in a perception of conflict, with the employee's duties or responsibilities in such a way that:

- the employee's ability to act in the public interest could be impaired; or
- the employee's actions or conduct could undermine or compromise:
 - the public's confidence in the employee's ability to discharge work responsibilities; or
 - the trust that the public places in the BC Public Service.

While the government recognizes the right of BC Public Service employees to be involved in activities as citizens of the community, conflict must not exist between employees' private interests and the discharge of their BC Public Service duties. Upon appointment to the BC Public Service, employees must arrange their private affairs in a manner that will prevent conflicts of interest, or the perception of conflicts of interest, from arising. Employees who find themselves in an actual, perceived, or potential conflict of interest must disclose the matter to their supervisor, manager, or ethics advisor. Examples of conflicts of interest include, but are not limited to, the following:

- An employee uses government property or equipment or the employee's position, office, or government affiliation to pursue personal interests or the interests of another organization;
- An employee is in a situation where the employee is under obligation to a person who might benefit from or seek to gain special consideration or favour;
- An employee, in the performance of official duties, gives preferential treatment to an individual, corporation, or organization, including a non-profit organization, in which the employee, or a relative or friend of the employee, has an interest, financial or otherwise;
- An employee benefits from, or is reasonably perceived by the public to have benefited from, the use of information acquired solely by reason of the employee's employment;
- An employee benefits from, or is reasonably perceived by the public to have benefited from, a government transaction over which the employee can influence decisions (for example, investments, sales, purchases, borrowing, grants, contracts, regulatory or discretionary approvals, appointments);
- An employee accepts from an individual, corporation, or organization, directly or indirectly, a personal gift or benefit that arises out of employment in the BC Public Service, other than:
 - the exchange of hospitality between persons doing business together;
 - tokens exchanged as part of protocol;
 - the normal presentation of gifts to persons participating in public functions; or
 - the normal exchange of gifts between friends; or

- An employee accepts gifts, donations, or free services for work-related leisure activities other than in situations outlined above.

The following four criteria, when taken together, are intended to guide the judgment of employees who are considering the acceptance of a gift:

- The benefit is of nominal value;
- The exchange creates no obligation;
- Reciprocation is easy; and
- It occurs infrequently.

Employees will not solicit a gift, benefit, or service on behalf of themselves or other employees.

Allegations of Wrongdoing

Employees have a duty to report any situation relevant to the BC Public Service that they believe contravenes the law, misuses public funds or assets, or represents a danger to public health and safety or a significant danger to the environment. Employees can expect such matters to be treated in confidence, unless disclosure of information is authorized or required by law (for example, the Freedom of Information and Protection of Privacy Act). Employees will not be subject to discipline or reprisal for bringing forward to a Deputy Minister, in good faith, allegations of wrongdoing in accordance with this policy statement.

Employees must report their allegations or concerns as follows:

- Members of the BCGEU must report in accordance with Article 32.13;
- PEA members must report in accordance with Article 36.12; or
- Other employees must report in writing to their Deputy Minister or other executive member of the ministry, who will acknowledge receipt of the submission and have the matter reviewed and responded to in writing within 30 days of receiving the employee's submission. Where an allegation involves a Deputy Minister, the employee must forward the allegation to the Deputy Minister to the Premier.

These reporting requirements are in addition to an employee's obligation to report to the Comptroller General as outlined in Section 33.2 of the Financial Administration Act.

Where an employee believes that the matter requires a resolution and it has not been reasonably resolved by the ministry, the employee may then refer the allegation to the appropriate authority.

If the employee decides to pursue the matter further then:

- Allegations of criminal activity are to be referred to the police;
- Allegations of a misuse of public funds are to be referred to the Auditor General;
- Allegations of a danger to public health must be brought to the attention of health authorities; and
- Allegations of a significant danger to the environment must be brought to the attention of the Deputy Minister, Ministry of Environment.

Legal Proceedings

Employees must not sign affidavits relating to facts that have come to their knowledge in the course of their duties for use in court proceedings unless the affidavit has been prepared by a lawyer acting for government in that proceeding or unless it has been approved by a ministry solicitor in the Legal Services Branch, Ministry of Attorney General. In the case of affidavits required for use in arbitrations or other proceedings related to employee relations, the Labour Relations Branch of the BC Public Service Agency will obtain any necessary approvals. Employees are obliged to cooperate with lawyers defending the Crown's interest during legal proceedings.

A written opinion prepared on behalf of government by any legal counsel is privileged and is, therefore, not to be released without prior approval of the Legal Services branch.

Working Relationships

Employees involved in a personal relationship outside work which compromises objectivity, or the perception of objectivity, should avoid being placed in a direct reporting relationship to one another. For example, employees who are direct relatives or who permanently reside together may not be employed in situations where:

- A reporting relationship exists where one employee has influence, input, or decision-making power over the other employee's performance evaluation, salary, premiums, special permissions, conditions of work, and similar matters; or
- The working relationship affords an opportunity for collusion between the two employees that would have a detrimental effect on the Employer's interest.

The above restriction on working relationships may be waived provided that the Deputy Minister is satisfied that sufficient safeguards are in place to ensure that the Employer's interests are not compromised.

Human Resource Decisions

Employees are to disqualify themselves as participants in human resource decisions when their objectivity would be compromised for any reason or a benefit or perceived benefit could accrue to them.

For example, employees are not to participate in staffing actions involving direct relatives or persons living in the same household.

Outside Remunerative and Volunteer Work

Employees may hold jobs outside government, carry on a business, receive remuneration from public funds for activities outside their position, or engage in volunteer activities provided it does not:

- interfere with the performance of their duties as a BC Public Service employee;

- bring the government into disrepute;
- represent a conflict of interest or create the reasonable perception of a conflict of interest;
- appear to be an official act or to represent government opinion or policy;
- involve the unauthorized use of work time or government premises, services, equipment, or supplies; or
- gain an advantage that is derived from their employment with the BC Public Service.

Employees who are appointed as directors or officers of Crown corporations are not to receive any additional remuneration beyond the reimbursement of appropriate travel expenses except as approved by the Lieutenant Governor in Council.

Responsibilities

Agency Head

- Provide timely advice to managers and designated contacts respecting the application of this policy statement including guidance on an appropriate employer response to transgressions of the policy statement; and
- Coordinate the development of awareness, training, and communication programs in support of this policy statement.

Deputy Ministers

- Advise employees of the required standards of conduct and the consequences of non-compliance;
- Designate a ministry contact for matters related to standards of conduct;
- Promote a work environment that is free of discrimination;
- Deal with breaches of this policy statement in a timely manner, taking the appropriate action based upon the facts and circumstances;
- Waive the provision on working relationships under the circumstances indicated; and
- Delegate authority and responsibility, where applicable, to apply this policy statement within their organization.

Line Managers

- Advise staff on standards of conduct issues;
- Engage the ministry-designated contact as may be appropriate in the circumstances; and
- Contribute to a work environment that is free of discrimination.

Employees

- Objectively and loyally fulfill their assigned duties and responsibilities, regardless of the party or persons in power and regardless of their personal opinions;
- Disclose and resolve conflicts of interest or potential conflict of interest situations in which they find themselves;
- Maintain appropriate workplace behavior;
- Avoid engaging in discriminatory conduct or comment; and
- Check with their supervisor or manager when they are uncertain about any aspect of this policy statement.

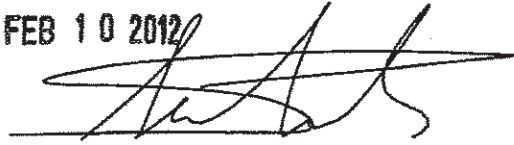
PROVINCE OF BRITISH COLUMBIA
ORDER OF LIEUTENANT GOVERNOR IN COUNCIL

Order in Council No.

060

, Approved and Ordered

FEB 10 2012



Lieutenant Governor

Executive Council Chambers, Victoria

On the recommendation of the undersigned, the Lieutenant Governor, by and with the advice and consent of the Executive Council, orders that, effective February 15, 2012,

- (a) the Schedule to Order in Council 71/2011 is amended by adding the following appointments:

Column 1 Person	Column 2 Position	Column 3 Premier/Minister	Column 4 Remuneration
BOESSENKOOL, Kenneth Jan	Chief of Staff	Premier	Beginning at Step 6
McDONALD, Michael	Principal Secretary	Premier	Beginning at Step 6

- (b) Kenneth Jan Boessenkool, Chief of Staff, Office of the Premier, is declared to have the status of a deputy minister, and
- (c) Michael McDonald, Principal Secretary, Office of the Premier, is declared to have the status of a deputy minister.



Presiding Member of the Executive Council

(This part is for administrative purposes only and is not part of the Order.)

Authority under which Order is made:

Act and section: Public Service Act, R.S.B.C. 1996, c. 385, ss. 14 and 15

Other: OIC 71/2011

February 6, 2012

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Resub 1/O/69/2012/12