

POLICE ACT
OATH OF ALLEGIANCE AND OFFICE
SPECIAL PROVINCIAL CONSTABLE

I, _____, do swear/solemnly affirm that:
(PRINT LEGAL NAME)

- I will be faithful and bear true allegiance to Her Majesty Queen Elizabeth the Second, Queen of Canada, Her Heirs and Successors;
- I will, to the best of my power, cause the peace to be kept and prevent all offences against the persons and properties of Her Majesty's subjects;
- I will faithfully, honestly and impartially perform my duties as a Special Provincial Constable.

(SIGNATURE)

Sworn before me at _____)
_____, B.C.)
this _____ day of _____)
_____, 20____.)

A Commissioner for taking
Affidavits in and for the
Province of British Columbia

Public Service Act

PUBLIC SERVICE OATH REGULATION

Form of oath

- 1** The prescribed form of oath for the purposes of section 21 of the *Public Service Act* is as follows:

As a member of the British Columbia Public Service, I,, *[employee name]* do solemnly swear/affirm *[circle one]* that I will

- 1 loyally serve the people of British Columbia through their democratically elected government,
- 2 honour and faithfully abide by the Standards of Conduct for Public Service Employees, and
- 3 to the best of my ability,
 - (a) act with integrity, putting the interests of the public and the public service above my own personal interest and avoiding all conflicts of interest, whether real or perceived,
 - (b) safeguard confidential information and not divulging it unless I am either authorized to do so or required to do so by law,
 - (c) base my advice, recommendations and decisions on the objective evidence that is available to me,
 - (d) serve the government impartially and
 - (e) conduct myself honestly and ethically, in a manner that maintains and enhances the public's trust and confidence in the public service and does not bring it into disrepute.

Sworn/Affirmed *[circle one]* me, at, this day of 20.....

.....
Person giving Oath or Affirmation

.....
Person administering Oath or Affirmation

Note: this regulation replaces B.C. Reg. 51/87.

[Provisions of the *Public Service Act*, R.S.B.C. 1996, c. 385, relevant to the enactment of this regulation: sections 21 and 25]

Deputy Sheriff's Code of Conduct

The role of Deputy Sheriff, and the duties Deputy Sheriffs perform are an integral component in the administration of the Court Services Branch and in the achievement of its goals and objectives. It is, therefore, important that all Deputy Sheriffs carry out their responsibilities with integrity, impartiality and dignity.

In order to achieve a professional delivery of service and to command a high degree of trust, confidence, and respect, it is essential that Deputy Sheriffs exercise standards of conduct and self-discipline that meet those demanded of Court Services. This code of conduct has been prepared to provide a clear statement of the standards required.

1. Peace Officer

The Deputy Sheriff is a peace officer. S/he is afforded all the powers of a peace officer provided by both federal and provincial statutes. The exercise of these powers is applicable to situations that arise when the Deputy Sheriff is performing his/her duties as described in this manual. The Deputy Sheriff is subject to the authority of the presiding justice with respect to all activities affecting the orderly operation of the court while it is in session.

2. Improper Use of Title or Position

A Deputy Sheriff shall not use, nor permit the use of, his/her position or title in such a way as to advance the private interests of another organization, person or group of persons, or him/herself.

3. Legal Advice

In many cases, a Deputy Sheriff will be asked for legal advice from the general public. Under no circumstances shall s/he give such advice. The Deputy Sheriff should, instead, tactfully suggest that the person discuss the problem with a lawyer of his/her choice, or contact Legal Aid or the Lawyer Referral Service.

4. Standards of Dress

In accordance with approved standards, Deputy Sheriffs shall be properly dressed in uniform at all times when on duty.

5. Deportment

Deputy Sheriffs, because of the nature of their duties, are normally in full view of the public each working day. The image portrayed by Deputy Sheriffs reflects on the public service, Court Services, and their own particular office.

All Deputy Sheriffs shall use a polite and civil manner when addressing or replying to questions and inquiries or in general discussion.

Control, good judgment, and common sense must be exercised when dealing with an accused or any member of the public.

6. Use of Government Vehicles

Government vehicles must be used only for official government purposes. Government vehicles are not to be used during off-duty hours, except on government business or as otherwise authorized by management.

Off-duty hours is the time period outside an employee's normal work hours. Passengers carried in government vehicles must be authorized by management.

Operators of government vehicles are required to obey the rules of the road, as defined in the *Motor Vehicle Act* or in municipal by-laws.

Vehicles are not to be operated in such a manner that would cause discredit to Court Services.

7. Use of Government Equipment and Property

A Deputy Sheriff shall not use or remove any government equipment or property from any government vehicle or office for his/her personal use.

8. Monetary Gain

A Deputy Sheriff shall not demand nor indirectly demand or receive any fee, reward or gratuity for performing or not performing his/her duties, except as permitted by the *Sheriff Act* or any other act.

A Deputy Sheriff shall not acquire directly or indirectly any property or goods disposed of under any execution proceeding by a Sheriff or Court Bailiff in a Sheriff's sale.

9. Off-Duty Conduct

The off-duty conduct of a Deputy Sheriff may be of concern to the employer if the act or condition detrimentally affects the reputation or public image of the employer, undermines or flaunts the employer's authority, renders the employee unable to properly discharge his/her employment obligations, causes other employees to refuse or be reluctant to work with the employee, or inhibits the employer's ability to efficiently manage and direct operations.

10. Criminal Conduct

A Deputy Sheriff shall not become engaged in any activity that may result in criminal charges or convictions wherein the act or offence jeopardizes or prejudices the employer's property or security, its public reputation, the interests of other employees, or if the offence is incompatible with proper discharge of his/her duties.

Employees must immediately notify the Personnel Security Screening Office if they are detained, arrested, charged or convicted of any criminal offence or any other federal or provincial statutory offence. This would include any suspension of driving privileges but would exclude any ticket-only driving infractions or municipal by-law contraventions. To report an incident either call s.17 and select menu option 2 or email s.17 The employee must provide their name and contact information, their supervisors name and

contact information and a description of the circumstances of the incident.

If an employee is unable to report to work following the incident, they are to advise their supervisor. If the employee is unable to perform all of the duties of a deputy sheriff, the employee must discuss this with their excluded manager.

11. Conduct Relating to Other Agencies

A Deputy Sheriff shall not become engaged in any activity, or any form of conduct, which would compromise his/her ability to work effectively with any police agency, or any other government or public agency.

12. Confidentiality

A Deputy Sheriff shall not disclose any matter which comes to his/her knowledge by reason of his/her employment, except as required by official duty.

A Deputy Sheriff shall not share personal information, including photo images, relating to other staff members without their consent outside of official duties. This includes websites, chat lines etc.

As well, all employees must be familiar with the Court Services Circular CRMC 3/94 "Disclosure of Documentation (Freedom of Information)", which establishes the guidelines pertaining to public access to information.

13. Relationships With Jury Members

Deputy Sheriffs shall not discuss the trial with the jury nor answer questions pertaining to the trial from members of the jury.

A Deputy Sheriff shall not form any personal relationship with any member of a jury while a trial is in progress.

If a member of a jury is a relative of a Deputy Sheriff or is involved in a personal relationship with a Deputy Sheriff, the Deputy Sheriff shall immediately advise his/her supervisor.

14. Neutrality

A Deputy Sheriff's role is one of neutrality in all proceedings before the court. A Deputy Sheriff shall not discuss any case with a party to a court action, witness, or counsel during recess, adjournments, or at any other time. Any remarks overheard from a Judge, counsel, or the jury must not be repeated.

15. Laying of Charges

A Deputy Sheriff who is of the opinion that a charge should be laid against any person as a result of an incident arising out of the execution of his/her duty shall discuss the incident with his/her manager before any information is sworn and when the circumstances permit. For more information refer to section 2.11 in this chapter and chapter 4.

16. Physical Restraint

A Deputy Sheriff may use a reasonable amount and means of physical restraint to carry out his/her legal duties. For example:

- a. preventing a prisoner from injuring himself/herself or others;
- b. transporting a prisoner;
- c. preventing a prisoner from escaping;
- d. performing court security duties; or
- e. while escorting a prisoner in public areas.

17. Use of Firearms/Batons

Deputy Sheriffs, when carrying either firearms or batons, shall not:

- a. engage in any frivolous behaviour;
- b. fire a warning shot; or
- c. carry unauthorized equipment.

In addition, Deputy Sheriffs will not wear firearms in lock-up areas.

18. Use of Oleoresin Capsicum (OC) Spray

Deputy Sheriffs shall follow policy set out in Chapter 4 with respect to the issuance and use of OC Spray.

19. Radio and Cellular Telephone Conduct

It is the responsibility of Deputy Sheriffs to use all radio cellular communication equipment in a proper and professional manner. It must not be forgotten that transmissions are routinely monitored by the Ministry of Transportation and Highways and improper use may result in loss of licence.

While using a radio, portable radio or cellular telephone, Deputy Sheriffs shall not:

- a. use abusive or profane language during transmittals; or
- b. make unauthorized or personal calls.

20. Air Escorts/Ground Escorts

It is the responsibility of the Deputy Sheriff to escort prisoners in a safe and secure manner. It is also his/her responsibility to present a professional appearance and attitude to all persons encountered on escorts.

While on prisoner-escort duty, or proceeding to or from such duty, Deputy Sheriffs shall not:

- a. become, in any way, argumentative;
- b. refuse to follow the instructions of appropriate prison authorities;

- c. utter any comments that may be considered unprofessional or reflect negatively on Court Services, the Ministry of Attorney General, or the government of British Columbia; or
- d. engage in any activity while on duty that will bring Court Services into disrepute

21. Condition on Reporting for Duty

Deputy Sheriffs shall not report for duty while under the influence of alcohol or drugs, nor with the odour of alcohol present.

22. General

- a. It is the responsibility of all Deputy Sheriffs to read the *Sheriffs Policy Manual* and the *Firearms Policy Manual*. Should clarification be required, s/he should discuss this further with his/her supervisor or manager.
- b. Improper conduct not expressed in the *Deputy Sheriffs' Code of Conduct* does not mean immunity from discipline

Standards of Conduct

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.