

From: Wright, Don J. PREM:EX
Sent: May 1, 2020 3:48 PM
To: AGRI All
Cc: Ethier, Tom FLNR:EX
Subject: New Executive Roles and Implementation of Food Security Task Force Recommendations

Earlier today I asked Wes Shoemaker to lead the effort to plan for the establishment of the agricultural-industrial land zones as recommended by the Food Security Task Force (FSTF). I wanted to write to Agriculture staff directly to talk about my decision to ask Wes to take on this new assignment and to appoint Tom Ethier as Deputy Minister of Agriculture.

The new role that Wes will be taking on is a Deputy Minister-level function that requires expertise and knowledge of the Agricultural Land Commission, legislative process, industry and an existing relationship with the ALC to configure, consult on and establish this essential piece of our food security and supply chain into the future. Wes will lead the engagement process, establish the criteria for designating agricultural-industrial lands and develop policy and legislative proposals in conjunction with the Ministry of Agriculture and Minister Popham. Over time, subject to the decisions of Cabinet, this position is expected to transition into the Commissioner role envisioned by the Task Force.

Many of you have worked under Wes' capable leadership since he took on the Deputy role in July 2017. Since that time, Agriculture has accomplished a great deal – based on Minister Popham's GrowBC, FeedBC and BuyBC vision – and has benefited all British Columbians as well as the agricultural sector. Although it has been difficult to choose exactly the right time to carve Wes' capacity out to focus exclusively on building the Agricultural-Industrial Lands initiative, over the last few months COVID-19 has highlighted how important farmers, food processors and the food supply chain are in our daily lives. I thank and congratulate Wes for all that he was able to accomplish as Deputy Minister of Agriculture. I am pleased to have him take on this important new role that is so central to our economic recovery.

As Wes moves into the new assignment, I want to introduce Tom Ethier who will assume leadership of the Ministry of Agriculture effective today. Tom brings a strong natural resource sector background spanning all regions of B.C., including in First Nations negotiations, forestry, crown lands and conservation. He was most recently ADM of the Resource Stewardship Division in the Ministry of Forests, Lands and Natural Resource Operations and Rural Development and will be familiar to many of you. I know that Tom will be an asset in working with you to address the challenges of the 2020 growing season, develop a plan to implement the other FSTF recommendations and plan for the years ahead. Tom will be in touch later this afternoon and will tell you more about his background.

I know that these changes come at a time when many staff are feeling unsure about when your working lives will return to normal as we address, manage for and eventually move on from COVID-19. Tom and Wes' new assignments are an important part of what I see as "Building Back Better" from the COVID experience. Tom will have more to say over the next few weeks about how and when opportunities for a more-typical work schedule will be opened up. Until then, I thank all of you for your dedication, commitment and resourcefulness during what I know has been an unprecedented time.

Don J. Wright

OOP FOI PREM:EX

From: Meggs, Geoff PREM:EX
Sent: May 1, 2020 8:39 PM
To: Dewar, Bob PREM:EX
Subject: Fwd: Some Changes

Sent from my iPhone

Begin forwarded message:

From: "Meggs, Geoff PREM:EX" <Geoff.Meggs@gov.bc.ca>
Date: May 1, 2020 at 8:13:04 PM PDT
To: s.17
Subject: Fwd: Some Changes

As discussed

Sent from my iPhone

Begin forwarded message:

From: "Howlett, Tim GCPE:EX" <Tim.Howlett@gov.bc.ca>
Date: May 1, 2020 at 6:33:39 PM PDT
To: "Meggs, Geoff PREM:EX" <Geoff.Meggs@gov.bc.ca>
Subject: Fwd: Some Changes

From: Wright, Don J. PREM:EX <Don.J.Wright@gov.bc.ca>
Sent: Friday, May 1, 2020 3:20 PM
To: BCPSA Agency DMC List <PSADM@Victoria1.gov.bc.ca>
Subject: Some Changes

Hello All,

Deputies,

Earlier today I asked Wes Shoemaker to take on a new role leading the implementation of the Agricultural-Industrial Lands recommendation of the Food Security Task Force (FSTF), which reported out to the Premier earlier this year. Since the FSTF report was

issued, COVID-19 has highlighted the importance of having a robust and diverse food supply and a dependable supply chain. A dedicated, senior role to plan for an agricultural industrial zone and related strategy is a key step in our post-COVID recovery. Wes will remain a Deputy Minister and a member of DMC, and will bring his knowledge and experience to the task of building the criteria, policy and legislation related to this initiative. I am very pleased that Wes has agreed to take on this important assignment.

Tom Ethier will succeed Wes as Deputy Minister of Agriculture. Tom joins the ministry at a time when COVID-19 challenges, the implementation of the FSTF recommendations and the economic restart and recovery process make this a uniquely challenging assignment. Tom brings a 27-year background in resource management, relationship-building and negotiations to this role and I know he will be a great addition to the team.

In addition to these changes at the Deputy level, effective today Silas Brownsey joins the Ministry of Municipal Affairs and Housing as Associate DM, Strategic Planning and Land Use with responsibility for the ministry's contribution to the Integrated Transportation and Development Strategy (ITDS), in conjunction with the Ministry of Transportation and Infrastructure and my office. ITDS, a key piece of our economic framework and an important part of our path to recovery, will greatly benefit from Silas' stakeholder relations skills and past experience as an ADM at MOTI.

Also effective today, Susan Stanford joins JECD as Assistant Deputy Minister, Technology, Connectivity and Distributed Growth. Susan will bring her vision and past experience from senior leadership in private sector technology to this role, and to building out the next stages of a technology framework focused on delivering tangible benefits to support economic recovery, competitiveness and increase British Columbians' standard of living, while contributing to the process of considering and implementing health and safety applications that will contribute to restoring public confidence in resuming day-to-day activities in the pending "new normal" of COVID-19. Fazil and Jill will determine which functions transfer to JEDC with Susan over the week ahead.


As each of you are seeing in your own ministries, the work of planning for sector restart and economic recovery requires us to focus, prioritize and deliver on key economic priorities. The appointments announced here are part of building our capacity for economic recovery and reflect our commitment to "Building Back Better" through initiatives that will result in quality economic growth and improving the standard of living for all British Columbians.

Please join me in congratulating Wes, Tom, Silas and Susan on their new assignments, and in welcoming Tom to DMC.

Don

Shortt, Amanda PREM:EX

From: OIC Admin AG:EX
Sent: May 1, 2020 3:18 PM
Subject: OICs 215-218/2020
Attachments: 218-2020.pdf; 217-2020.pdf; 216-2020.pdf; 215-2020.pdf

Hello,
Please find attached copies of Orders in Council 215-218/2020.
Thanks,
Esha Whitlam
Executive Documents Analyst
BC Proclamations Program | Order in Council Administration Office
Office of Legislative Counsel
Ministry of Attorney General
esha.whitlam@gov.bc.ca
 (778) 974-4636
Pronouns: she/her/hers

PROVINCE OF BRITISH COLUMBIA
ORDER OF THE LIEUTENANT GOVERNOR IN COUNCIL

Order in Council No. 215

, Approved and Ordered

May 01, 2020



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

- (a) the appointment of Thomas Ethier made by Order in Council 292/2012 is rescinded, and
- (b) Thomas Ethier is appointed as a Deputy Minister, Ministry of Agriculture.



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, s. 12

Other: OIC 292/2012

O10416833

PROVINCE OF BRITISH COLUMBIA
ORDER OF THE LIEUTENANT GOVERNOR IN COUNCIL

Order in Council No. 216, Approved and Ordered May 01, 2020



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

- (a) the appointment of Silas Brownsey made by Order in Council 544/2018 is rescinded, and
- (b) Silas Brownsey is appointed as an Associate Deputy Minister, Ministry of Municipal Affairs and Housing.



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, s. 12

Other: OIC 544/2018

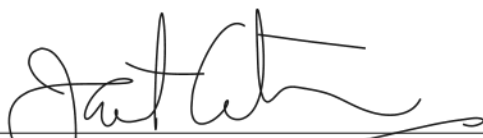
O10416933

PROVINCE OF BRITISH COLUMBIA
ORDER OF THE LIEUTENANT GOVERNOR IN COUNCIL

Order in Council No. 217

, Approved and Ordered

May 01, 2020


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

- (a) the appointment of Susan Stanford made by Order in Council 228/2018 is rescinded, and
- (b) Susan Stanford is appointed as an Assistant Deputy Minister, Ministry of Jobs, Economic Development and Competitiveness.


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, s. 12

Other: OIC 228/2018

PROVINCE OF BRITISH COLUMBIA
ORDER OF THE LIEUTENANT GOVERNOR IN COUNCIL

Order in Council No. 218

, Approved and Ordered

May 01, 2020


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

- (a) the appointment of Wesley Shoemaker made by Order in Council 214/2017 is rescinded, and
- (b) Wesley Shoemaker is appointed as a Deputy Minister, Agricultural-Industrial Lands Implementation, Ministry of Agriculture.


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, s. 12

Other: OIC 214/2017

O10417133

OOP FOI PREM:EX

From: Higgins, Keira PREM:EX
Sent: May 6, 2020 9:15 AM
To: Ethier, Tom AGRI:EX
Cc: Phillips, Dawn-Lynn PSA:EX
Subject: ETHIER, Tom - DM Appointment letter and attachments
Attachments: Standards of Conduct 2018.pdf; Employment Termination Standards - 05FEB19.pdf; Post Employment Restrictions May 2018.pdf; Tom Ethier - appointment letter - May 1, 2020.pdf

Good morning Tom,

Please see the attached letter and corresponding attachments sent on behalf of Deputy Minister Don Wright.

Thanks,

Keira Higgins, Executive Administrative Coordinator
Office of the Premier, Deputy Minister
272 West Annex, Parliament Buildings | Victoria, BC | V8V 1X4
Ph: (250) 356-2206

STANDARDS OF CONDUCT



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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 Behaviour

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, gender identity or expression, 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. Bullying or any other inappropriate conduct compromising the integrity of the BC Public Service will not be tolerated.

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.

Employees must conduct themselves professionally, be fit for duty, and be free from impairment (for example: from alcohol or drugs).

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.

Conflict of Interest Guidelines

To assist employees, managers, ethics advisors and deputy ministers in managing conflict of interest issues, the BC Public Service has established guidelines, tools and other resources. Please see the MyHR section of the BC Government website for more information.

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, ethics advisors and deputy ministers 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 senior staff member in their organization as ethics advisor for matters related to the 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;
- Seek out guidance and advice from the Agency Head on issues that are complex and/or cannot be easily resolved;
- 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.

Ethics Advisors

- Provide advice on standards of conduct issues to employees and managers in their organization, including in regards to assessing and addressing possible conflicts of interest;
- Seek out guidance and advice from the BC Public Service Agency on issues that are complex and/or cannot be easily resolved;

- Determine whether an issue requires consideration and/or decision by the deputy minister and provide briefings to the deputy as necessary;
- Document any advice provided and/or decisions made; and
- Participate as ministry representative in working with the Corporate Ethics Lead to ensure a consistent and coordinated approach to ethics management across the public service.

Line Managers

- Provide comprehensive orientation to new employees related to the Standards of Conduct ;
- Advise staff on standards of conduct issues, including in regards to assessing and addressing possible conflicts of interest;
- Engage the ministry-designated ethics advisor and seek advice from the BC Public Service Agency as may be appropriate in the circumstances;
- Document any advice provided and/or decisions made; 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 cooperate with the employer to 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.



Where ideas work

Revised October 17, 2018

This document has been
checked for accessibility.

B.C. Reg. 379/97
O.C. 1266/97

Deposited November 18, 1997
effective May 1, 1997

This consolidation is current to February 5, 2019.

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
 - 2.1 Limitation on retiring allowance
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- 5 Amount of notice and severance
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- 7 Term of employment contracts

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*.

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]

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http://www.bclaws.ca/Recon/document/ID/freeside/11_379_97

POST EMPLOYMENT RESTRICTIONS FOR SENIOR MANAGEMENT IN THE BC PUBLIC SERVICE

Last updated May 1, 2018

Definitions

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

"lobby" has the same meaning as defined in the Lobbyists Registration Act;

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

"senior management" means any person appointed as Deputy Minister, Associate Deputy Minister, Assistant Deputy Minister, or other equivalent rank under the Public Service Act;

The provisions of this policy are in addition to any requirements contained in the Lobbyists Registration Act. In the event of a conflict between this policy and the Lobbyists Registration Act, the provisions of the latter will apply.

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 12 months 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; or

(ii) 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 12 months immediately preceding the termination of your employment;

(c) until one year after your employment ends, you must not 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

- (i) if you, during your former employment with the government, acted for or advised the government concerning the proceedings, transaction, negotiation or case; and
- (ii) 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.

(d) must not lobby government except as permitted under the *Lobbyists Registration Act*.

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.



PERSONAL AND CONFIDENTIAL

May 1, 2020

Tom Ethier

s.22

Dear Tom:

This letter confirms your appointment to the position of Deputy Minister, Ministry of Agriculture pursuant to s. 12 of the BC Public Service Act, as specified in your appointing Order in Council, effective May 1, 2020.

Your salary will be \$220,000 per annum, consistent with a Deputy Minister 1 in the Executive Compensation Framework. The terms and conditions of employment for Deputy Ministers are those established for Category A Order in Council appointments. As a Deputy Minister, you are eligible for either a vehicle allowance or a leased vehicle and have additional special vacation leave of 5 working days per calendar year, prorated for this year. Dawn-Lynn Phillips, HR Executive Support Services Advisor, will send you an email with further details following the Order in Council appointment.

This appointment is subject to a successful completion of a criminal records check. During your employment with the BC Public Service, you are required to notify the Personnel Security Screening Office (Call 1-855-587-0185 and select the menu option for self-reporting an incident) in the event that you are arrested, charged or convicted of any criminal offence.

As a public service employee, you must continue to conduct yourself in a manner that maintains and enhances the public's trust and confidence in the public service. Please ensure you are familiar with the Standards of Conduct for Public Service Employees (attached). Further, as an Order in Council appointee, your order may be rescinded at any time resulting in the termination of your appointment. Should your appointment be rescinded, termination would be in accordance with the Employment Termination Standards (attached). Also, you are subject to the Post Employment Restrictions (attached) and to the *Lobbyists Registration Act* which prohibits you from lobbying any public office holder for a period of two years after the date you cease to be a Deputy Minister.

.../2

Should you have any questions about these policies or your entitlements, please contact Dawn-Lynn Phillips (Dawn-Lynn.Phillips@gov.bc.ca), HR Executive Support Services Advisor at the BC Public Service Agency.

Once you have signed this letter indicating your acceptance, please scan and email to Dawn-Lynn Phillips. I look forward to working with you.

Yours truly,



Don Wright
Deputy Minister to the Premier, Cabinet Secretary
And Head of the Public Service

pc: Dawn-Lynn Phillips, BC Public Service Agency

I have read and accept the terms and conditions of this appointment.

Tom Ethier

Date

Attachments (3)

From: Higgins, Keira PREM:EX
Sent: May 1, 2020 3:19 PM
To: AGRI All
Cc: Wright, Don J. PREM:EX; Ethier, Tom AGRI:EX
Subject: New Executive Roles and Implementation of Food Security Task Force Recommendations

Earlier today I asked Wes Shoemaker to lead the effort to plan for the establishment of the agricultural-industrial land zones as recommended by the Food Security Task Force (FSTF). I wanted to write to Agriculture staff directly to talk about my decision to ask Wes to take on this new assignment and to appoint Tom Ethier as Deputy Minister of Agriculture.

The new role that Wes will be taking on is a Deputy Minister-level function that requires expertise and knowledge of the Agricultural Land Commission, legislative process, industry and an existing relationship with the ALC to configure, consult on and establish this essential piece of our food security and supply chain into the future. Wes will lead the engagement process, establish the criteria for designating agricultural-industrial lands and develop policy and legislative proposals in conjunction with the Ministry of Agriculture and Minister Popham. Over time, subject to the decisions of Cabinet, this position is expected to transition into the Commissioner role envisioned by the Task Force.

Many of you have worked under Wes' capable leadership since he took on the Deputy role in July 2017. Since that time, Agriculture has accomplished a great deal – based on Minister Popham's GrowBC, FeedBC and BuyBC vision – and has benefited all British Columbians as well as the agricultural sector. Although it has been difficult to choose exactly the right time to carve Wes' capacity out to focus exclusively on building the Agricultural-Industrial Lands initiative, over the last few months COVID-19 has highlighted how important farmers, food processors and the food supply chain are in our daily lives. I thank and congratulate Wes for all that he was able to accomplish as Deputy Minister of Agriculture. I am pleased to have him take on this important new role that is so central to our economic recovery.

As Wes moves into the new assignment, I want to introduce Tom Ethier who will assume leadership of the Ministry of Agriculture effective today. Tom brings a strong natural resource sector background spanning all regions of B.C., including in First Nations negotiations, forestry, crown lands and conservation. He was most recently ADM of the Resource Stewardship Division in the Ministry of Forests, Lands and Natural Resource Operations and Rural Development and will be familiar to many of you. I know that Tom will be an asset in working with you to address the challenges of the 2020 growing season, develop a plan to implement the other FSTF recommendations and plan for the years ahead. Tom will be in touch later this afternoon and will tell you more about his background.

I know that these changes come at a time when many staff are feeling unsure about when your working lives will return to normal as we address, manage for and eventually move on from COVID-19. Tom and Wes' new assignments are an important part of what I see as "Building Back Better" from the COVID experience. Tom will have more to say over the next few weeks about how and when opportunities for a more-typical work schedule will be opened up. Until then, I thank all of you for your dedication, commitment and resourcefulness during what I know has been an unprecedented time.

Don J. Wright

OOP FOI PREM:EX

From: Mandur, Tracy PSA:EX
Sent: May 1, 2020 3:18 PM
To: Wright, Don J. PREM:EX; Yuma Morisho, Okenge PSA:EX; Kennedy, Christine JEDC:EX
Cc: Owens, Anita PSA:EX; Colyn, Iris PSA:EX; Higgins, Keira PREM:EX
Subject: OIC's Shoemaker, Ethier, Brownsey and Stanford - signed

Importance: High

Good afternoon

Please be advised that, official notification has now been received that the following OIC's, effective May 1, 2020, have been signed:

- 1) Wes Shoemaker, Deputy Minister - Agricultural-Industrial Lands Implementation, Ministry of Agriculture;
- 2) Tom Ethier, Deputy Minister, Ministry of Agriculture;
- 3) Silas Brownsey, Associate Deputy Minister, Ministry of Municipal Affairs and Housing; and
- 4) Susan Stanford, Assistant Deputy Minister, Ministry of Jobs, Economic Development and Competitiveness.

Announcements can now proceed.

Regards,
Tracy

Tracy Mandur, Executive Advisor – Executive Recruitment
Executive Talent Management | Deputy Minister's Office | BC Public Service Agency
4th Floor – 810 Blanshard Street | Victoria BC | V8W 2H2 | 250 812-3827



Where ideas work

OOP FOI PREM:EX

From: Higgins, Keira PREM:EX
Sent: May 1, 2020 5:02 PM
To: Phillips, Dawn-Lynn PSA:EX
Cc: Wright, Don J. PREM:EX
Subject: Re: SHOEMAKER, Wes - DM Appointment letter / ETHIER, Tom - DM Appointment letter and attachments

Thank you. I will have Don sign these on Monday.

Sent from my iPhone

On May 1, 2020, at 4:53 PM, Phillips, Dawn-Lynn PSA:EX <Dawn-Lynn.Phillips@gov.bc.ca> wrote:

Hi Keira – I have attached Wes Shoemaker's and Tom Ethier's DM appointment letters ready for Don's signature. I have also attached the Standards of Conduct, Employment Termination Standards and Post Employment Restrictions for Tom. Thank you.....dl

Dawn-Lynn Phillips, HR Executive Support Services Advisor
Executive Talent Management
Deputy Minister's Office | BC Public Service Agency
Suite 500, 1011 – 4th Avenue | Prince George BC | V2L 3H9 | Phone: 250.888.4570

<image001.jpg>

<Shoemaker, Wes - DM Appt letter.docx>
<Ethier, Tom - DM Appt letter.docx>
<Standards of Conduct 2018.pdf>
<Employment Termination Standards - 05FEB19.pdf>
<Post Employment Restrictions May 2018.pdf>