



TSML – TRANSIT POLICE

DIRECTOR AND EMPLOYEE CODE OF CONDUCT POLICY

Effective Date: July 22, 2013
Revised Date: April 25, 2022

1. PURPOSE

- 1.1 The purpose of the Director and Employee Code of Conduct (“Code of Conduct”) is to promote honest and ethical conduct, focus the Directors and Employees of TSML on areas of ethical risk, provide guidance to TSML Directors and Employees to help them recognize and deal with conflicts of interest and ethical issues, provide mechanisms to report unethical conduct, and help preserve the culture of honesty and accountability at TSML.

2. POLICY STATEMENT

- 2.1 The Code of Conduct provides general guidance on the standards of conduct expected of TSML Directors and Employees, including guidelines on conflicts of interest. Within TSML, there are other policies and procedures that support this general Code of Conduct, and reference is made to them throughout the Code of Conduct.
- 2.2 Employees are also required, pursuant to the *Police Act*, to comply with provisions of the *Police Act* and policies issued by the Police Board.
- 2.3 The fundamental relationship between the Director or Employee and TSML must be one of trust; essential to trust is a commitment to honesty and integrity.

3. DEFINITIONS

Throughout this Code of Conduct policy and in any Appendices:

Associate –

- a. A Partner of the Director or Employee;
- b. A child of a Director or Employee or of the Partner of a Director or Employee, if the child is under 19 years of age or is living in the family residence of the Director or Employee;
- c. A Relative of the Director or Employee who is living in the family residence of the Director or Employee;
- d. A corporation of which the Director or Employee beneficially owns, directly or indirectly, more than 10% of the voting rights attached to all outstanding voting securities of the corporation; or
- e. A trust or estate in which the Director or Employee has a substantial beneficial interest or for which the Director or Employee serves as trustee.

Confidential Information – Includes proprietary, technical, business, financial, legal, personal, third party or any other information which TSML, TransLink, a TransLink subsidiary, or the Transit Police treats as confidential.

Director – An appointed Director of TSML.

Employee(s) – All sworn Members (Designated Constables and Designated Law Enforcement Officers) and civilian staff (whether unionized or exempt) who are employed by the TSML.

Friend – An individual with whom the Director or Employee is connected by frequent or close association.

Partner – A person the Director or Employee is married to or with whom the Director or Employee is living in a common-law relationship, but does not include a person with whom the Director or Employee is legally separated or living apart from.

Police Board – The South Coast British Columbia Transportation Authority Police Board.

Private interest – A pecuniary or economic interest or advantage and includes any real or tangible benefit that personally benefits the Director or Employee or his or her Associate but does not include an interest arising from the performance of the Director or Employee's official duty or function that applies to the public, affects an individual as one of a broad class of the public, or concerns the Director or Employee's remuneration and benefits received in that capacity.

Records – All data or information recorded or stored by graphic, electronic, mechanical or other means such as in paper, microfilm, audit, visual or disk format.

Relatives – Related to the Director or Employee by blood, adoption or marriage and includes a Partner, child/step-child parent/step-parent, sibling, aunt, uncle, niece, nephew, in-laws, grandparent, grandchild, someone over whom the Director or Employee has legal guardianship, and any other person permanently residing in the same household or with whom the Director or Employee permanently resides.

Substantial private interest – Any interest, including but not limited to a financial interest, which is not trifling, and which pertains to a Director or Employee whereby they would gain a benefit, privilege, exemption or advantage from a decision of TSML that is not available to the general public.

Metro Vancouver Transit Police ("Transit Police") – The operating name of the South Coast British Columbia Transportation Authority Police Service.

TransLink – The South Coast British Columbia Transportation Authority.

TSML – TransLink Security Management Limited, a subsidiary of TransLink that is the entity and employer for the Transit Police.

4. INDIVIDUAL RESPONSIBILITY

- 4.1 TSML is determined to behave, and to be perceived, as an ethical organization. It is expected that each Director and Employee will behave in an ethical manner and adhere to the standards described in this Code of Conduct, and to the standards established in applicable policies, guidelines or legislation.
- 4.2 A Director's failure to adhere to these standards could result in a recommendation to the TransLink Board of Directors for removal from office.
- 4.3 An Employee's failure to adhere to these standards could lead to disciplinary action, up to and including termination of employment.
- 4.4 Integrity, honesty, and trust are essential elements of our success. Any Director or Employee who knows or suspects that this Code of Conduct has been, or is likely to be breached, is encouraged to report it.

5. WHERE TO SEEK CLARIFICATION

- 5.1 Directors should seek clarification with respect to any aspect of the Code of Conduct from the TransLink General Counsel (or designate).
- 5.2 Employees should seek clarification with respect to any aspect of the Code of Conduct from their immediate Manager. If they are not comfortable seeking clarification from their immediate Manager, Employees should consult the next level of management within their division or a Deputy Chief Officer.

6. GENERAL COMPLIANCE WITH THE LAW

- 6.1 Directors and Employees must act at all times in full compliance with both the letter and the spirit of all applicable laws. In their relationship with TSML, neither Director nor Employee will commit or condone an unethical or illegal act or instruct another Director or Employee, or supplier to do so.
- 6.2 Directors and Employees are expected to be sufficiently familiar with any legislation that applies to their work to recognize potential liabilities and to know when to seek legal advice. If in doubt, ask for clarification from the Transit Police Senior Legal Counsel (if applicable) or TransLink General Counsel (or designate).
- 6.3 No Director or Employee will create or condone the creation of a false record. No Director or Employee will destroy or condone the destruction of a record, except in accordance with the Transit Police's record management or other policies.
- 6.4 The Transit Police and TransLink are continually under public scrutiny. Therefore, Directors and Employees must not only comply fully with the law, but must also avoid any situation which could be perceived as improper or indicate a casual attitude towards compliance.

- 6.5 Directors and Employees must not engage in, or give the appearance of being engaged in, any illegal or improper conduct that is in violation of this Code of Conduct.

7. CONFLICTS OF INTEREST

7.1 General

- 7.1.1 Directors and Employees will perform their duties conscientiously and will not put themselves in a position in which their private interests or the private interests of their friends, Relatives or Associates and those of TSML might be in actual or perceived conflict.
- 7.1.2 A Director or Employee has an actual conflict of interest when the Director or Employee is performing a duty or function of the position and in the performance of that duty or function has the opportunity to further their private interests or the private interests of their friends, Relatives or Associates.
- 7.1.3 There is a perceived conflict of interest when a reasonably well informed person could perceive that a Director or Employee's ability to perform a duty or function of the position was, or will be, affected by the Director or Employee's private interests.
- 7.1.4 Every Director and Employee must avoid any situation in which there is an actual or perceived conflict of interest that could interfere, or could be perceived to interfere, with the Director or Employee's judgment in making decisions in TSML's best interest.
- 7.1.5 TSML depends on the integrity of all Directors and Employees who have knowledge of a decision or activity of TSML that involves, or might involve, a conflict of interest to disclose the circumstances.
- 7.1.6 Some conflicts are quite clear, but others are less obvious. TSML recognizes that its Directors and Employees have perfectly legitimate outside interests; however, there may also be situations that could be perceived as a conflict of interest, no matter how innocent the intentions of the Director or Employee.
- 7.1.7 The following are examples of circumstances where a Director or Employee's private interests would be in conflict with the interests of TSML:
- a. Influencing a TSML Employee to lease equipment from a business owned by a Director or Employee's Partner or Relatives;
 - b. Influencing TSML senior management to provide funding to a society where the Director or Employee serves on the board of that society;
 - c. Disclosing confidential information about future TSML real estate sales or developments to a friend or business colleague (internal/external);

- d. Being aware of a significant contract being negotiated between a public company and TSML, and purchasing shares in the public company before the contract is announced publicly; and
 - e. Obtaining Confidential Information concerning the alignment of a rapid transit project that could affect the value of real estate owned by the Director or Employee or Associate.
- 7.1.8 Directors or Employees who find themselves in a conflict of interest must disclose the conflict in accordance with the provisions of this Code of Conduct. Full disclosure enables Directors and Employees to resolve unclear situations and gives an opportunity to dispose of, or appropriately, address, conflicting interests before any difficulty can arise.
- 7.1.9 The following provides a more detailed discussion of circumstances where a conflict of interest could arise and how TSML expects its Directors and Employees to behave.

7.2 Outside Business Interests in Conflict with TSML

- 7.2.1 No Director or Employee will hold a substantial private interest, directly or indirectly, through a friend, Relative or Associate, or hold or accept a position as an officer or director in an entity where by virtue of their position in TSML, the Director or Employee could in any way benefit the entity by influencing the decisions of the TSML.

7.3 Confidential Information

- 7.3.1 Directors and Employees must maintain at all times the confidentiality of all confidential information and records obtained by the Directors or Employees by reason of their appointment or employment. They must not make use of or reveal such information or records except in the course of performance of their duties or as required by law, unless the documents or information become a matter of general public knowledge.
- 7.3.2 Similarly, Directors and Employees must not use such confidential information or records to further their private interests or the private interests of their friends, Relatives or Associates.
- 7.3.3 It is expected that where Employees handle confidential customer, supplier, or Employee information as part of the job, that they use such information only for legitimate business purposes and not disclose or use such information unauthorized or without consent.

7.4 Outside Employment

- 7.4.1 Employees may hold outside jobs or engage in modest self-employment activities on their own time, using their own resources, and in a manner not adversely affecting their performance or objectivity for TSML. Employees must also comply with any Police Board requirements or restrictions concerning outside

employment. However, no Employee may accept work with any entity that could lead to a situation in conflict with TSML's interests.

[Employees to refer to [Transit Police policy chapter AC020 – Outside Employment](#).]

7.5 Non-Profit and Professional Associations

- 7.5.1 From time to time, a Director or Employee may hold a position of leadership in a non-profit association where they may be viewed as a spokesperson for that organization. In such situations, the Director or Employee will ensure that when speaking on behalf of the association, they are seen as speaking for the organization and not as a spokesperson of TSML.

7.6 Entertainment, Gifts and Benefits

- 7.6.1 In this discussion, “gifts or benefits” include cash, preferred loans, securities or secret commissions and “entertainment” includes invitations to attend events or functions.
- 7.6.2 It is essential to efficient business practices that all those who do business with TSML, as suppliers or customers, have access to TSML on equal terms.
- 7.6.3 Directors and Employees, and their Associates, should not accept entertainment, gifts or benefits that grant or appear to grant preferential treatment to a potential or actual supplier of TSML.
- 7.6.4 Similarly, no Director or Employee may offer entertainment, gifts or benefits in order to secure preferential treatment for TSML.
- 7.6.5 Gifts, entertainment and benefits may only be accepted or offered by a Director or Employee in the normal exchanges common to business relationships. The following criteria will guide their judgment:
- a. The gift, entertainment or benefit would be considered by the business community to be within the bounds of being appropriate taking into account all the circumstances of the occasion;
 - b. The gift does not exceed \$100 in value;
 - c. The exchange does not, nor is it expected to, create an obligation; and
 - d. It occurs infrequently.
- 7.6.6 Inappropriate gifts that are received by a Director or Employee will be returned to the donor and may be accompanied by a copy of the relevant part of the Code of Conduct. Perishable gifts can be donated to a charity and the donor notified.
- 7.6.7 In some cultures or business settings, the return of a gift or refusal of a favour, benefit or entertainment would be offensive. In these cases, a Director should

refer the circumstances to TransLink General Counsel (or designate), and an Employee should refer the circumstances to their Manager, for guidance.

- 7.6.8 Full and immediate disclosure of borderline cases will always be taken as good-faith compliance with the Code of Conduct.

[Employees also to refer to [Transit Police policy chapter AC060 – Endorsements, Gifts, Donations and Other Benefits](#).]

7.7 Business Relationships with Suppliers

- 7.7.1 No Director or Employee may benefit directly or indirectly from TSML's business relationships unless the benefit is an additional benefit that TSML intends its Directors or Employees to enjoy.

7.8 Professional Development

- 7.8.1 TSML encourages and supports the professional development of its Employees. Where Employees are members of a recognized profession, they are expected:
- a. To keep abreast of professional developments in their field;
 - b. To perform their duties in accordance with the recognized standards of that profession; and
 - c. To abide by any Code of Ethics adopted by their professional association or established by law.

7.9 Use of Corporate Property

- 7.9.1 As a general guideline, TSML assets must not be used for personal use by Directors or Employees, unless identified in other applicable TSML or Transit Police policies.
- 7.9.2 Directors and Employees are entrusted with the care, management and cost-effective use of TSML's and TransLink property, including the use of TSML and TransLink's name, and should not make significant use of these resources for their own personal benefit or purposes. They must also comply with the policies regarding use of TSML corporate property (including use of electronic mail systems, internet services, printers, photocopiers, cellular phones, office telephone systems, and pool vehicles), or TransLink enterprise property where applicable.
- 7.9.3 Directors and Employees should ensure that any TSML and TransLink property assigned to them is maintained in good condition and should be able to account for such property.
- 7.9.4 Directors and Employees may not dispose of TSML and TransLink property except in accordance with the guidelines established by TSML, TransLink or other applicable procedures.

7.10 Intellectual Property

- 7.10.1 Employees are often engaged in various forms of writing, research, data collection, analysis, system development or modification, or problem solving for TSML. The product of their efforts produced within the scope of their employment belongs to TSML, whether or not the product was concluded at work.
- 7.10.2 Such products include computer programs, technical processes, inventions, research methods, reports, articles, designs, trademarks, and any other form of innovation or development. All patent, trademark, copyright, industrial design or other intellectual property rights, as appropriate, must be assigned by Employees to TSML.

7.11 Political Participation

- 7.11.1 Directors and Employees engaging in the political process must do so on their own time and must separate their personal activities from their association with TSML.

7.12 Conflict of Interest Disclosure Process

- 7.12.1 Any Director or Employee who, directly or indirectly:
- a. Holds property;
 - b. Holds an office;
 - c. Owes a fiduciary obligation to any other entity;
 - d. Has an interest in a contract or proposed contract with TransLink or any of its subsidiaries (including TSML); or
 - e. Has any other interest;

which could give rise to an actual or perceived conflict of interest must disclose the relevant details by a disclosure record (use prescribed form). Directors will make their disclosure to TransLink General Counsel (or designate). Employees will make the disclosure to their Manager.

- 7.12.2 If a Director has made a disclosure, TransLink General Counsel (designate or Chief Executive Officer if the Director is the TransLink General Counsel) will take such action as is consistent with TransLink policy. The Chief Officer is also to be confidentially informed of a Director's disclosure. If an Employee has made a disclosure, the Manager in consultation with the Chief Officer, and Transit Police Legal Counsel as appropriate to the matter, will respond to the Employee as appropriate to the matter raised. TransLink General Counsel is also available as a resource.

8. RESPECTFUL AND SAFE WORKPLACE

- 8.1 TSML is committed to maintaining a harassment-free and discrimination-free workplace. It is expected that Directors and Employees will treat each other with respect, and any behaviour that is threatening, intimidating, harassing, or violent, will not be tolerated. See TSML's [Policy No. 006 - Respectful Workplace](#) and Police Board policies for more information on expectations, processes and resources in place to assist Employees in maintaining a respectful workplace.
- 8.2 TSML is committed to maintaining a safe workplace. It is expected that Directors and Employees will carry out their responsibilities in a safe manner.

9. FINANCIAL IRREGULARITY

- 9.1 TSML is committed to a high standard of financial reporting. TSML Employees are expected to adhere to financial, accounting, and auditing processes and standards as specified by TSML and TransLink policy or regulation.

10. USE OF SOCIAL MEDIA

- 10.1 Directors and Employees are ambassadors of the TransLink enterprise. Whether working or on personal time, and whether utilizing corporate property or not, the comments that Directors and Employees make on social media can influence how the public views the TransLink enterprise. Directors and Employees should ensure that all social media communications are respectful and professional, consistent with their responsibilities as Directors and Employees within the TransLink enterprise. Employees must also comply with the Transit Police [policy chapter OO070 – Social Media](#).
- 10.2 Social media comprises, but is not limited to, Facebook, Twitter, YouTube, online forums, online chat rooms and blogging. Communication on social media may easily become public and statements may be impossible to retract once made.
- 10.3 When using social media, Directors and Employees should ensure that:
- a. If they are speaking on behalf of TSML or the Transit Police, they are properly authorized to do so;
 - b. If they are communicating about the TransLink enterprise but are not authorized to speak on behalf of TransLink, they should disclose their relationship with TransLink and indicate that opinions expressed are personal opinions and not opinions of TransLink;
 - c. Confidential information is maintained in strict confidence at all times, in accordance with section 7.3 of the Code of Conduct and requirements of the *Police Act, Freedom of Information and Protection of Privacy Act* and other laws;

- d. They treat with respect other Directors, Employees, customers, suppliers, and others who do business with TSML, and any behaviour (including comments made on social media) that is threatening, intimidating, harassing, or violent will not be tolerated; and
- e. When using social media in the workplace or involving corporate property, Directors and Employees must comply with all policies regarding their terms of employment and the use of corporate property (see section 7.9 of the Code of Conduct).

11. REPORTING OF SUSPECTED NON-COMPLIANCE

- 11.1 Directors and Employees are encouraged to report any conduct that they believe, in good faith and based on reasonable belief, is in contravention to this Code of Conduct. Directors and Employees are expected to report internally prior to raising the matter externally, including to the media.
- 11.2 Directors should report conduct concerns to the TransLink General Counsel (or designate).
- 11.3 Employees should report conduct concerns as follows:
 - a. Employees are encouraged, if comfortable doing so, to discuss the matter with the individual involved. When an Employee is not comfortable in raising the matter directly with the individual, they should report conduct concerns to their Manager. The Manager may contact the Transit Police - Senior Manager Human Resources, a Deputy Chief Officer or Chief Officer for advice.
 - b. If Employees are uncomfortable with the approach described in paragraph (a) above or they still have concerns, they can make a report as follows: (1) if the concerns are about any other Employee (under the rank of Deputy Chief Officer) of the Transit Police, the report may be made to the Chief Officer; and (2) if the concerns are about the Chief Officer or a Deputy Chief Officer, the report may be made to the Police Board Chair.
- 11.4 It is the responsibility of the recipient of a report to address the matter, or to initiate an investigation, especially where the report is of a serious nature. Procedures for making a report, investigating a report, and reporting back to the Employee raising the matter, as appropriate, are outlined in **Appendix "A"**, or as otherwise required by the *Police Act*, other laws and Police Board policy.
- 11.5 Employees who make a report or are interviewed as a result of a report must respect the privacy of others, by treating the matter confidentially and refraining from discussing it in the workplace or elsewhere.

11.6 Opportunity to Respond

- 11.6.1 If it has been alleged that a Director or Employee has breached or may have breached the Code of Conduct and these circumstances have been reported in accordance with the Code of Conduct, the individual in respect of whom the allegations have been made will be informed of the allegations and given the opportunity to respond to them and, where appropriate, to contribute to the discussions on how the breach could be remedied.

11.7 No Retaliation

- 11.7.1 Directors or Employees who report potential breaches of the Code of Conduct, in good faith and based upon reasonable belief, are protected from retaliation. If an Employee retaliates against another Employee who has made a report in good faith and based upon reasonable belief, the former Employee may be subject to discipline, up to and including dismissal.

11.8 Frivolous Reporting

- 11.8.1 A Director or Employee who makes a knowingly false, frivolous, vexatious, bad faith or malicious report may be subject to discipline, up to and including termination of employment.

12. EXEMPTION FROM CODE OF CONDUCT REQUIREMENTS

- 12.1 Any Director or Employee may request an exemption from a requirement of this Code in accordance with the published procedures. See **Appendix "B"** for Exemption Procedures for Employees. Directors may request an exemption in accordance with the Code of Conduct to TransLink General Counsel (or designate).

13. PROVISIONS OF CODE OF CONDUCT NOT EXCLUSIVE

- 13.1 The provisions of this Code of Conduct are in addition to, and not in substitution for, any obligation to TSML imposed upon a Director or Employee by common law, equity or statute. Compliance with the Code of Conduct will not relieve a Director or Employee from any such obligations.
- 13.2 It is recognized that Employees are also governed by the *Police Act* and Police Board policies.
- 13.3 For Employees, compliance with the Code of Conduct is a condition of employment. The Code of Conduct however is not meant to supersede any policy or collective agreement.
- 13.4 If an Employee raises concerns about the conduct of others and pursues another course of action (i.e. grievance under a collective agreement, *Police Act* complaint), TSML has the discretion to decide whether it will continue dealing with the matter under this Code of Conduct.

14. ACKNOWLEDGEMENT OF COMPLIANCE

- 14.1 No later than December 31st of each year, all Directors and Employees of TSML must confirm to the following acknowledgement statement:

I have read, understood, and agree to conduct myself in accordance with the Code of Conduct. I understand that not conducting myself in compliance with the Code may result in discipline, up to and including dismissal.

15. REFERENCES

BC Freedom of Information and Protection of Privacy Act [RSBC 1996, Chapter 165]

BC Police Act [RSBC 1996, Chapter 367]

Police Board Policy Manual

This policy has been issued by TransLink Security Management Limited Directors:

Original policy signed

April 25th, 2022

APPENDIX “A” – INVESTIGATION PROCEDURE

Upholding the Director and Employee Code of Conduct (“Code of Conduct”) policy is the responsibility and obligation of every TSML Director and Employee. Early identification and resolution of conflict of interest and other ethical issues that may arise are critical to maintaining TSML’s commitments and continued success.

The following procedures are intended to facilitate the prompt and thorough investigation and resolution of reports of suspected non-compliance with the Code of Conduct.

Making a Report

1. Reports made under Section 11 of the Code of Conduct should be made in a timely manner. In most cases, the earlier a report is made, the easier it is to take action to correct the situation.
2. Employees are encouraged to identify themselves when making a report in order to facilitate the investigation of the suspected non-compliance with this Code of Conduct. While every effort will be made to respect an Employee’s wish to remain anonymous, no guarantee of confidentiality can be made.
3. Employees who make reports or are interviewed during an investigation under this Code of Conduct must respect the privacy of others by treating the matter confidentially and refraining from discussing it in the workplace or elsewhere.

Standard Investigation Procedure

4. The following outlines the procedure to be undertaken by the recipient (as outlined in Section 11(b) of the Code of Conduct – the “Recipient”) of the report of a suspected violation of the Code of Conduct or by such other person who may be designated by the Recipient to conduct the investigation (the “Investigator”).
5. The Recipient will consider all reports to be provided in confidence, and will disclose reports only to the extent: (a) required to adequately investigate and address the matter, (b) required to administer, or permitted by, the Code of Conduct or its procedures, or (c) permitted by law.
6. If a report is made by an identified Employee, the Recipient of the report will ensure that the allegation in the report is investigated promptly.
7. If a report is made anonymously, the Recipient will decide whether to conduct an investigation, considering: (a) the seriousness of the allegation, (b) the credibility of the allegation or concern, and (c) the likelihood that the allegation can be confirmed from an independent or reliable source.
8. The Recipient will determine the extent of any investigation to be conducted and whether a third party investigator should be retained. The extent of any investigation into a report of suspected non-compliance will depend on the nature of the report,

including the substance and seriousness of the alleged non-compliance, the level of detail provided in the report, and any legal requirements.

9. Where the Recipient or Investigator conducts interviews associated with the investigation, they will conduct interviews in a manner that respects individual privacy and confidentiality to the extent reasonably possible. The Recipient or Investigator may interview witnesses identified by the Employee in the report and others who are in a position to provide information relevant to the investigation. The Recipient or Investigator will interview the individual in respect of whom the allegations have been made in the report and provide that individual with an opportunity to respond to the allegations and, where appropriate, contribute to the discussions on how any established non-compliance with the Code of Conduct could be remedied.

Disclosure When Investigation is Completed

10. The Recipient will ensure that the Employee who made the report is notified once the investigation is completed (unless the Employee has made the report anonymously). However, due to privacy legislation, the *Police Act*, or other legal requirements, the Recipient may not be able to disclose to the Employee the outcome of the investigation or any or all of the actions taken in response to the report (for example, disciplinary measures).
11. The contents of the investigation will be kept confidential to the extent required by law. Information sharing will be restricted to those who have a need to know.

Reporting Retaliation

12. If an Employee believes that they have been subjected to any retaliation or adverse employment consequences for reporting conduct they believe is in contravention of this Code of Conduct, they may file a complaint with the Recipient. The Recipient will ensure that retaliation complaints are investigated and that the Employee(s) who filed the retaliation complaint are notified of the outcome of the investigation.

Investigations of Allegations Against Employees

13. Any investigation regarding Employees will be conducted pursuant to requirements of the *Police Act* and Police Board policies to the extent they are applicable.
14. When a Recipient receives a report containing allegations against Transit Police sworn Members, the Recipient will promptly notify the appropriate Transit Police Discipline Authority. If the alleged misconduct would constitute a “public trust default” under the *Police Act* or a breach of the *Police Act* or Police Board policies, the Transit Police Discipline Authority will be responsible for causing the complaint to be investigated. Any release of information arising from such a complaint and its investigation may be subject to the provisions of the *Police Act* and other legislation.

APPENDIX “B” – EMPLOYEE EXEMPTION PROCEDURE

On occasion, it may be appropriate and in the best interest of TSML to allow the continuation of circumstances that would normally be considered a breach of TSML’s “Code of Conduct”.

The following will outline the procedure for an Employee who requests an exemption from the Code of Conduct.

PROCEDURE

1. A request for an exemption from the Code of Conduct may be made by an Employee or by a Manager on behalf of the Employee, with the Employee’s consent.
2. A Code of Conduct exemption request by an Employee should be sent directly to the attention of their Divisional Deputy Chief Officer (or Chief Officer for their direct reports). If a Manager is making the request on behalf of an Employee, the Manager will provide the Employee with a copy of the request.
3. The following information should be included in a request for an exemption from the Code of Conduct:
 - a. A statement outlining the specific nature of the requested exemption, including the provision of the Code of Conduct from which the exemption is requested;
 - b. A statement of relevant circumstances and material relating to the request being made, including the name of the Employee and a copy of the Employee’s Position Profile (Position Profiles may be obtained from Transit Police Human Resources Section). This statement must be prepared and signed by the Employee even if the request is being made by a Manager;
 - c. Reasons why it may be suitable to grant an exemption;
 - d. When an exemption is being requested under the Conflict of Interest provisions, a statement of the steps the Employee has taken, or will take, to avoid any interest relating to the disclosed circumstances will need to be outlined; and
 - e. A statement outlining any communication the Employee has had regarding the exemption.
4. The Deputy Chief Officer will acknowledge in writing that the request has been received and may request additional information at that time.
5. The Deputy Chief Officer will consult with the Chief Officer and Transit Police Senior Legal Counsel, as appropriate, in considering granting an exemption.

6. The Deputy Chief Officer will advise the Employee in writing of the decision regarding the exemption request. If granted, the exemption may have specific conditions imposed. (Transit Police Senior Legal Counsel will inform TransLink General Counsel (or designate) on any exemptions granted.)
7. The Deputy Chief Officer will provide the Employee's Manager and the Chief Officer with a copy of the exemption and of the decision of the request.