

Canadian Nuclear
Safety Commission



Commission canadienne
de sûreté nucléaire

**Code of Conduct for Members
of the
Canadian Nuclear Safety Commission**

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1. Purpose

Canadian Nuclear Safety Commission (CNSC) members are appointed by the Governor in Council (GIC) and must comply with the following:

- [*Conflict of Interest Act*](#)
- [*Ethical Guidelines and Statutory Standards of Conduct*](#)
- [*Guidelines for the Political Activities of Public Office Holders*](#)
- [*Sections 11 and 66 of the Nuclear Safety and Control Act \(NSCA\)*](#)

This Code of Conduct is intended to complement the requirements in the above-noted instruments by providing guidance on appropriate standards of conduct that pertain specifically to CNSC Commission members as independent and impartial decision makers. It is also intended to supplement, and should be read in conjunction with, any applicable conduct requirements that are established from time to time for either public servants or GIC appointees, and set out in the NSCA or other legislation, associated regulations, guidelines, codes, policies or other instruments.

The principles and guidance of the Code support the CNSC's commitment to provide fair, transparent, credible and impartial Commission proceedings that are efficient and effective.

1.1 Roles

President: As defined in section 12 of the NSCA. Specifically, subsection 12(1) of the NSCA states that "The President is the chief executive officer of the Commission and has supervision over and direction of the work of the members and officers and employees of the Commission, including apportionment of work among the members and, where the Commission sits on a panel, the assignment of a member or members to the panel and of a member to preside over the panel." Pursuant to subsection 10(5) of the NSCA, the President is also a full-time member of the Commission.

Commission member: As defined in section 10 of the NSCA. While no specific role is set out in the NSCA for the members, the Commission makes independent, fair and transparent decisions on the licensing of major nuclear-related activities or facilities, and is central to the functioning of the CNSC. It also establishes legally binding regulations, and sets regulatory policy on matters related to the protection of health, safety, security and the environment and to the implementation of international obligations respecting peaceful uses of nuclear energy.

Commission Secretariat and Secretary: The Secretariat, headed by the Commission Secretary, is made up of CNSC employees who plan Commission business and support the President and other Commission members as appropriate. Secretariat functions include:

- communicating with stakeholders, including CNSC staff, government; departments, intervenors, applicants, licensees, and the public about Commission business
- receiving licence application
- acting as the official registrar for Commission documentation
- managing Commission hearings and meetings; to perform this function, the Commission Secretary (or his/her delegate from the Secretariat) sits at the podium with the Commission members during proceedings

Counsel: CNSC Legal Services provides Commission members with legal advice, as required. In this capacity, counsel sits at the podium with Commission members during proceedings.

2. Application of the Code

This Code applies to all permanent and temporary CNSC Commission members.

Members are expected to conduct themselves in a manner that:

- protects the integrity and professionalism of the Commission
- encourages compliance with the Code
- avoids any situation, conduct, comment or conflict that could affect the integrity or reputation of the CNSC
- demonstrates good faith, prudent judgment, honesty, transparency and openness in their activities on behalf of the CNSC
- demonstrates due diligence and dedication in preparation for, and attendance at scheduled hearings, meetings and training sessions

3. Guiding principles

3.1 Values and principles

The Code is based on the Commission members' dedication to the following values:

- fairness
- integrity
- independence
- impartiality
- transparency

The Code is based on two fundamental principles:

1. Public confidence and trust in the integrity and impartiality of the Commission must be maintained and enhanced.
2. The Commission's decision-making independence must be maintained at all times.

Members are expected to conduct themselves in a manner that does not condone unethical or illegal acts, and that does not encourage anyone to commit such acts.

3.2 Conflict of interest

In addition to the *Conflict of Interest Act*, which requires members to disclose conflicts of interest to the Conflict of Interest and Ethics Commissioner, Commission members are expected to:

- be vigilant, identify and enquire into any conflict or potential conflict of interest
- disclose to the President or Commission Secretary any real or potential conflict of interest which may arise in the context of their functions; members can also seek an opinion from the Office of the Conflict of Interest and Ethics Commissioner
- avoid involvement in activities that are, or could appear to be incompatible with their role as a Commission member or that could call into question their independent exercise of judgment, integrity and impartiality
- avoid having any direct or indirect financial interest in a licensee that is regulated by the CNSC
- inform the presiding member and recuse themselves from a proceeding or an item at a proceeding in the event of:
 - any real or potential bias or conflict of interest
 - any reason that the member is of the opinion that they would not be able to render an impartial decision
 - any prior and/or continuing relationships and/or associations that would reasonably be perceived to not enable them to render an impartial decision

To ensure that the integrity, fairness and professionalism of the Commission is protected, and to help ensure that the Commission is not accused of bias or favoritism, Commission members should not accept gifts or other advantages from persons who have official dealings with the CNSC, unless these are received as an expression of courtesy or protocol, or are within customary standards that normally accompany the member's position and are of nominal monetary value.

3.3 Fairness and proper conduct

Members are expected to:

- comply with the principles of natural justice and procedural fairness
- act with dignity, respect, courtesy, fairness, discretion and impartiality in all aspects of their role as decision makers
- treat those who appear before them without discrimination or favoritism
- require similar conduct from all those present at proceedings and ensure that proceedings are held in an orderly and efficient manner

3.4 Collegiality

Members should foster a collegial working environment amongst members and treat each other with respect.

Members are expected to conduct themselves in a professional and respectful manner with the President, members, parties, participants, representatives, the public and CNSC staff. This expectation also applies to comments that members make in their written reasons and other communications.

3.5 Expertise

The CNSC is a quasi-judicial administrative tribunal that focuses on the safety and health of workers and the public and the protection of the environment. As such, there is a heavy emphasis on scientific and technical evidence which, in large part, is aided by the knowledge and expertise that Commission Members bring to the proceedings. In this regard, members:

- should endeavour to maintain current their knowledge of the law applicable to the work conducted by the Commission
- are encouraged to maintain a high level of professional competence and expertise, in order to fulfill their duties and responsibilities
- may be asked to share their skills, knowledge and expertise with their colleagues, to enhance the quality of the Commission's work where appropriate, but should not attempt to unduly influence the decision-making process of another member
- may endeavour to pursue the development of knowledge and skills related to their work to maintain and improve upon their existing expertise

3.6 Work carried out by Commission members

In accordance with section 11 of the NSCA, a member must not accept or hold any office or employment inconsistent with the member's duties.

Matters assigned to a part-time member will depend on the Commission's operational requirements and the availability of the member. Therefore, the number of hours a part-time member will devote to their Commission duties may vary.

4. Conduct during Commission proceedings

Members are encouraged to:

- conduct proceedings in a courteous and respectful manner while ensuring that the proceedings are fair, orderly and efficient; and
- take steps to ensure that proceedings are concluded in a timely manner, avoiding unnecessary delays and postponements of proceedings, and always complying with the rules of natural justice and procedural fairness.

Members should only communicate directly with a party, participant, witness or representative with respect to a proceeding, during the proceeding. All contact with parties and participants before and after the proceeding is handled by the Commission Secretariat.

During the Commission proceeding, members should endeavour to:

- conduct proceedings in a manner that ensures that participants understand the [*Canadian Nuclear Safety Commission Rules of Procedure*](#) and practices of the Commission, and have a reasonable opportunity for informed and effective participation in the proceeding

During Commission proceedings, members should make efforts to avoid:

- providing advice to parties and participants at the beginning of a proceeding
- using words, phrases or actions that could be understood to manifest bias or prejudice
- making statements or questions that would be demeaning or provocative to any individual, participant or group, or that would manifest bias or prejudice against an individual, participant or group
- using any words, phrases or actions that are or could be perceived as being culturally insensitive

5. Decision making

Members are expected to:

- make decisions based on the merits and evidence presented in each proceeding
- render decisions in an independent, impartial and objective manner without regard to partisan or special interests, or fear of criticism
- render decisions that are aligned with the appropriate legal test(s) and applicable jurisprudence
- consult the CNSC's Legal Services if they need advice

Members are responsible for the accuracy, quality and correctness of their decisions.

Members are expected to avoid influence by extraneous or improper considerations in their decision making, including influence from industry, other persons, institutions, interest groups or the political process or by issues or considerations that are beyond the scope of the Commission's mandate.

Commission decisions are made based on a majority of votes. Members are encouraged to try to achieve consensus. If there is dissent, then a member is to provide the rationale for the dissenting view. Decision making is subject to section 23 of the NSCA.

6. Protection of confidential information and security

Members should endeavor to respect the security classification of information contained in documents in their possession.

Members are expected to immediately report any breach or potential breach of privacy or confidentiality to the Commission Secretary so that it is treated in a timely manner according to the internal processes in place.

In respect of security, members are expected to:

- safeguard documents, assets and equipment as directed and in particular in accordance with the Treasury Board *Policy on Government Security* as it relates to protected or confidential information
- return all documents, work-related information and equipment as and when requested, and in particular at the end of their term
- immediately report any security-related concern or incident as well as any breach or potential breach of security to the Commission Secretary for appropriate follow up; these could include security concerns related to a case, criminal activities, unauthorized disclosure, disruption, modification, destruction, removal of government information and assets assigned to a member's home office

In respect of CNSC property, equipment and information technology (IT), members are expected to:

- ensure acceptable and efficient use of the Government of Canada electronic network and devices as set out in the *Policy on Acceptable Network and Device Use*
- follow all policies regarding the use of IT equipment, including but not limited to the CNSC's *USB Devices and Removable Media Directive*
- ensure that the equipment in their home office is maintained to meet Government of Canada health, safety and security requirements or standards

7. Communications

7.1 Media and the general public

Unless previously authorized by the President, members should avoid communicating with or being interviewed by any news media about matters related to the work of the Commission or any other matter that may affect the Commission or create a reasonable apprehension of bias. Forms of news media include but are not limited to print, online, radio, blogs, social media, relevant websites, and online advocacy forums and communities.

Members should refer any enquiries from the media or the general public to the Commission Secretary or the CNSC general information account at cpsc.info.ccsn@canada.ca.

Specifically, with regard to activities on social media, members are encouraged to:

- not identify themselves as members of the Commission on social media sites, with the exception of professional sites such as LinkedIn
- use good judgment when posting comments on social media, being mindful that their comments could reflect on the CNSC and on the Commission's activities.

Members should avoid publicly making comments or expressing opinions – including through social media – on the work of the Commission, their own duties and caseload, or any other matter that may affect the Commission or create a reasonable apprehension of bias.

Members shall have taken an oath of fidelity and secrecy pursuant to section 66 of the NSCA where they engaged to not communicate or allow access to any information or documents relating to the affairs of the Commission to any person not legally entitled thereto. Members shall not disclose or make known any information of a confidential nature that was obtained in their capacity as a member. This means disclosure outside of the CNSC to other government departments or agencies or to the general public, as well as disclosure within the CNSC to members or staff where such disclosure is not

operationally required. Members should protect confidentiality around deliberations and discussions supporting decisions, and avoid discussing the decision-making process with persons other than other members and supporting personnel from Legal Services and Secretariat.

7.2 Government officials

Members should avoid discussing any matter related to the work of the Commission or any other matter that may affect the Commission or that may create a reasonable apprehension of bias with government or elected officials or their staff.

Members should refer any enquiries from government departments or elected officials to the Commission Secretary.

7.3 Applicants, licensees and interveners

Members should refrain from discussing any matter related to the work of the Commission or any other matter that may affect the Commission or that may create a reasonable apprehension of bias with applicants, licensees and intervenors outside of the public proceeding process. If received outside of the public proceeding process, members should refer any enquiries from applicants, licensees or intervenors to the Commission Secretary.