



MARKET
SURVEILLANCE
ADMINISTRATOR

Code of Conduct

June 25, 2025

Taking action to promote effective competition and a culture of compliance and accountability in Alberta's electricity and retail natural gas markets

www.albertamsa.ca

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1 PURPOSE

1.1 Introduction and application of the Code of Conduct

Pursuant to the *Conflicts of Interest Act*, the 2018 Code was amended and submitted to the Ethics Commissioner to ensure it follows the requirements of the *Conflicts of Interest Act*. The Ethics Commissioner has approved the amended 2018 Code (Code) and the MSA made the approved Code public by posting on its website on April 16, 2025. The Code will supersede the 2018 Code and come into effect 60 days after the date of posting.

The Code applies to all employees of the MSA, including the CEO, except for any individuals who have been expressly exempted in writing from a provision of the Code by the CEO. The Code will be reviewed annually by the CEO to ensure ongoing compliance with applicable legislation.

As part of the terms and conditions of employment, employees are provided a copy of the Code and are responsible to be aware of and abide by the contents of the Code, including any changes to the Code which may occur during the term of the employment relationship. Employees are also required to be aware of and to abide by all other MSA policies and procedures.

All employees are required, on an annual basis, to complete a copy of Appendix A – Employee certification and disclosure summary. As further discussed in section 3.12, the CEO is also required, on an annual basis, to provide the Ethics Commissioner with a personal disclosure statement and a return relating to persons directly associated with the CEO.

1.2 Interpretation

1. “AUCA” means the *Alberta Utilities Commission Act*;
2. “CEO” means the individual appointed Market Surveillance Administrator by the Minister of Affordability and Utilities pursuant to the AUCA;
3. “confidential information” means all non-public information held by the MSA in relation to the exercise of its mandate including non-public information pertaining to employees, market participants or the business affairs of the MSA;
4. “Designated Senior Official” means the CEO;
5. “EUA” means the *Electric Utilities Act*;
6. “investigation” means any file opened by the MSA concerning a suspected or possible contravention of ISO rules, regulations or legislation, in respect of which the MSA may take action pursuant to the AUCA or the EUA;
7. “MSA” means the MSA corporation, continued pursuant to the AUCA;

8. “private interest” does not include the following: (i) an interest in a matter that is of general application, that affects an individual as one of a broad class of the public or that concerns the remuneration and benefits of an individual; (ii) an interest that is trivial; (iii) an interest of an individual relating to publicly-traded securities held in that individual’s blind trust.
9. “prohibited investment” means a direct or indirect monetary or financial interest, including an interest in securities, in any person over whom the MSA exercises its responsibilities pursuant to its mandate;
10. “security” has the same meaning as set out in subsection 1(ggg) of the *Securities Act*, RSA 2000,c S-4; and
11. “Senior Official” means the CEO.

2 MSA OVERVIEW

2.1 MSA legal status

The MSA was established as a corporation on June 1, 2003, with the coming into force of the EUA. The MSA was continued under the AUCA, which was proclaimed in force on January 1, 2008.

2.2 MSA mandate

The mandate of the MSA is set forth in section 39 of the AUCA.

3 CODE OF CONDUCT AND STANDARDS OF PERFORMANCE

3.1 Business conduct

As employees of a public agency, employees must, at all times:

1. conduct themselves in an unbiased manner, treating all cases with impartiality;
2. act fairly and responsibly;
3. be honest and ethical, and engage in decision making that reflects the highest standard of conduct;
4. strive to be accessible, transparent, objective and principle-based;
5. demonstrate a sense of urgency in resolve and decision making;
6. measure, report and achieve results while prudently and efficiently managing resources; and

7. value innovation and learning as the MSA strives for continuous improvement and development at all levels of the organization.

All activities undertaken by or on behalf of the MSA will be conducted in strict observance to both the letter and spirit of the law, including, without limitation, the AUCA, the EUA, related regulations, and all other applicable legislation.

3.2 Conflict of interest

A conflict of interest exists when an employee's personal or private interests interfere or conflict with, or appear to interfere or conflict with, the employee's duties, responsibilities and loyalty to the MSA. Employees must always act and be seen to be acting in the public interest and the MSA's mandate under the applicable legislation without regard to the employee's personal or private interests. This requires that employees make all business decisions independently and impartially, consistent with the MSA's mandate under the AUCA, and that employees are unaffected by consideration of direct or indirect personal benefits and private interests. To do otherwise risks the reputation of both the employees involved and the MSA. A conflict of interest, real or apparent, calls into question the MSA and its employees' integrity, independence and, impartiality.

Employees must remain free of interests or relationships which are, or have the appearance of being, harmful or detrimental to the MSA, or which are in conflict with the MSA's mandate. In exercising powers and discharging duties, employees must act honestly, independently, impartially, in good faith and in the public interest, must avoid conflicts of interest, and must exercise the care, diligence and skill that a reasonably prudent person would exercise in comparable circumstances.

Employees making a hiring decision must disqualify themselves where applicants include relatives or close personal friends. An employee may not supervise a relative.

Where conflicts of interest, real or apparent, may arise, it is the employee's responsibility (as described in more detail in section 3.11) to provide full disclosure to the CEO immediately upon the employee becoming aware of the conflict. The real or apparent conflict will then be assessed by the CEO, or another person designated by the CEO, to deal with the matter on behalf of the MSA. A decision will be rendered by the CEO, or the person designated by the CEO, as to whether a conflict of interest exists and if it does, how that conflict will be resolved.

3.3 Confidentiality of information

The MSA has policies and procedures intended to help meet its obligations regarding confidentiality and privacy, all of which are binding on employees insofar as they concern their work on behalf of the MSA.

Employees must take all reasonable steps to protect confidential information held by or available to them at the MSA. Employees must not, at any time during or after the term of their employment, divulge any confidential information except as allowed or required pursuant to their responsibilities

and duties in relation to their employment with the MSA, or under applicable legislation or regulation, or pursuant to any legal or other proceeding requiring the specific information to be divulged.

Employees must annually certify, as part of Appendix A – Employee certification and disclosure summary, that they understand their continuing obligations regarding confidentiality.

3.4 Investments

3.4.1 Restrictions on assets/interests

Subject to an exemption approved by the CEO, employees, their spouses, and/or their minor children may not hold any prohibited investments. Further restrictions on the CEO holding public securities are described in section 3.12.

Upon accepting employment with the MSA, each employee must certify in Appendix A – Employee certification and disclosure summary that they, their spouse, and their minor children will divest of any prohibited investments as soon as possible, but no later than one year from the effective date of their employment.

An exemption to holding the prohibited investments may be granted if the employee's spouse holds securities as part of their employment compensation package. However, this must be disclosed to the CEO in Appendix A – Employee certification and disclosure summary and approved in writing as an exemption by the CEO.

The CEO may grant an exemption permitting an employee, their spouse, and/or minor children to hold specific securities if:

1. the securities are publicly-traded and the CEO is satisfied the securities are securities of an entity the interests of which are not likely to be affected by decisions of the MSA or by decisions of the Government of Alberta within the scope of advice, advocacy, activity or influence of the MSA; or
2. the employee, their spouse, and/or minor children will sustain a financial loss if the securities are publicly-traded securities and are disposed of and the public interest does not require disposition of the publicly-traded securities.

Each employee must certify the Appendix A – Employee certification and disclosure summary in January of each calendar year.

The CEO will review the signed certifications and determine whether any conflict of interest exists and what action, if any, should be taken. In certain situations, the use of a blind trust, divestment of the securities, or employment action (ranging from removal or transfer of job duty to termination, if necessary) may be required. The signed certification form and the CEO's decision will be placed in the personal section of the employee's personnel file.

3.4.2 Exempt interests

The following types of assets/interests are not prohibited investments and are not subject to disclosure by an employee:

1. household goods and personal effects;
2. works of art, antiques, and collectibles;
3. automobiles and other personal means of transportation;
4. cash and deposits;
5. Canada Savings Bonds (and other security investments of fixed value) issued/guaranteed by any level of government in Canada or government agencies);
6. registered retirement savings plans, mutual funds, exchange-traded funds, pension plans, registered savings plans under federal or provincial government programs (e.g., home, education), provided the individual has no control over decisions of the plan, fund, or other vehicle to buy, sell, or hold any underlying securities;
7. guaranteed investment certificates and similar financial instruments;
8. annuities and life insurance policies;
9. residences, recreational property, and farms that do not have energy, utility or mineral rights or leases and are used or intended for use by employees or their families; and
10. assets and interests that are not related to the mandate of the MSA.

3.5 Acceptance of gifts and hospitality

Employees must not accept gifts from any person over whom the MSA exercises its responsibilities pursuant to its mandate or who does business with the MSA other than small, inexpensive mementos. Those who do business with the MSA encompasses market participants, stakeholders seeking to influence the MSA and MSA suppliers, such as contractors, government employees, employees of other public agencies and legal counsel. Acceptable gifts or hospitality are:

1. the normal presentation of gifts to persons participating in public functions, or the receipt of awards;
2. tokens exchanged as part of protocol;
3. breakfast, lunch or dinner invitations that have a MSA business purpose; or
4. paid invitations to events, speeches, lectures, presentations, or seminars.

Meetings over lunch or other meals may be used to carry out the MSA's duties, responsibilities and functions. A good practice to avoid any sense or perception of obligation is to alternate who pays for the meal. The total value of all gifts and reimbursement of expenses received by an employee from a third party in a calendar year related to the mandate of the MSA, without prior written permission from the CEO, must not be more than:

1. \$250 in gifts;
2. \$500 for reimbursement of event fees and travel costs related to invitations for attending an event; and
3. \$1500 for reimbursement of travel, accommodation, food or fee reduction or waiver with respect to organizing a conference, symposium or other educational event or with respect to presenting at a conference, symposium or other educational event.

The reputation of the MSA as impartial and free from influence is fundamental to its work, easily damaged and hard to repair, and employees must strive to uphold such reputation for the MSA.

3.6 Sponsorships, donations, and volunteering

The MSA is part of a broader community, and it values the opportunity for personal growth and teambuilding made possible by encouraging employees to support community and charitable events. Anyone can present to the CEO for approval an idea for the MSA to volunteer for or otherwise support a community or charitable organization.

3.7 Employee activities outside working hours

The MSA recognizes employees' private lives outside of MSA employment are their own; however, employees must ensure that their activities outside the MSA:

1. do not affect their availability for work with the MSA;
2. do not affect their job performance;
3. do not conflict with the stated goals, objectives and public image of the MSA;
4. do not create any real or perceived conflict of interest;
5. do not make use, either directly or indirectly, of their position within the MSA to further the interests of any other business; and
6. do not use MSA equipment, facilities or other assets for any activity outside of the employment relationship with the MSA without prior approval from the CEO.

Employees may take supplementary employment, including self-employment, subject to prior written approval by the CEO, unless such pursuits cause a real or apparent conflict of interest,

are performed in such a way as to appear to be an official act or to represent an MSA opinion or policy, interfere with MSA duties, or involve the use of MSA premises or equipment.

Employees must not allow the performance of their official duties to be influenced by offers of future employment or the anticipation of offers of employment, nor may they use their position or MSA premises or equipment to solicit services as a private consultant. Employees considering a new offer of employment must be aware of and manage any conflicts of interest between their current position and their potential future circumstances and must remove themselves from any decisions related to their potential future employer.

Employees may participate in political activities including holding membership in a political party, supporting a candidate for elected office or seeking elected office. However, they must not use their position with the MSA to seek contributions for a political party or activity from current or future stakeholders with whom the MSA conducts business. In addition, any political activity must be clearly separated from activities related to the business of the MSA, must not be done while carrying out the business of the MSA and must not make use of the MSA's facilities, equipment or resources in support of these activities. If an employee is planning to seek an elected federal, provincial, or municipal office, they must disclose their intention in writing as soon as possible to the CEO.

3.8 Use of internet, email, and other electronic media

Internet access and email is intended for business use, and as such professional judgment and common sense is to be used to ensure that the reputation of the MSA is maintained.

Internet activity and email may be subject to monitoring and inspection by MSA management without advance notice. Accordingly, employees should not consider email to be private.

The MSA is a public body under the *Freedom of Information and Protection of Privacy Act* and all records, including emails and instant messages, may be producible to a requesting third party pursuant to the terms of that Act.

Any activity which is the result of email and electronic messaging, postings, commentary or opinions on blogs, social networking websites, or any user comment enabled website, in any medium, be it text, video or audio format, must respect the MSA's confidentiality requirements.

Employees must not post any defamatory or derogatory comments about co-workers, MSA management, the MSA, market participants or stakeholders, even if the identity of the individuals, the MSA or other organizations is masked using aliases. Employees are entitled to make fair comment about events of a public nature but should make it clear that, if the event has anything to do with the mandate of the MSA, unless the comment is part of an MSA sanctioned initiative, the opinions expressed are the employee's own and not the views of the MSA.

Failure to abide by any of these provisions may result in disciplinary action, up to and including termination.

3.9 Equal employment opportunity

The MSA supports the principle of equal access to employment promotions, training and career opportunities for all employees based upon job-related knowledge, skill and ability.

The MSA does not discriminate in its employment or promotion practices on the basis of age, race, religion, marital status, gender, sexual orientation, physical characteristics, color, ancestry or place of origin.

3.10 Harassment

The MSA is committed to providing a secure and comfortable work environment, with working relationships built on mutual respect, and to ensuring an environment for its employees that is free from harassment and the fear of harassment. Every employee has the right to expect to be treated fairly and with respect at work.

It is the intent of the MSA to take every reasonable measure to ensure that no employee is subject to unwelcome verbal or physical conduct, from whatever the source. Harassment in any form violates fundamental rights and personal dignity and integrity.

Harassment is defined as any unwanted physical, sexual or verbal conduct that offends or humiliates. By its nature, harassment has the effect or is calculated to interfere with an individual's work performance, result in creating an intimidating, hostile or offensive work environment, result in a change in some condition or term of employment or result in an economic detriment to the person. Harassment can consist of a single incident or several incidents that occur over a period of time.

If an employee believes that he or she is being harassed by another employee, they are encouraged to take the following steps, as applicable:

1. tell the other employee that the behaviour is unwelcome and that it must stop;
2. report the incident(s) to their supervisor or to another MSA management person with whom the employee feels comfortable discussing the matter;
3. keep a record of the incident(s), including date, time of occurrence, location, what happened, witnesses, etc.; and
4. file a written complaint with the CEO.

Once reported, the CEO will begin an investigation and/or bring in appropriate parties to investigate, and all necessary steps will be taken to resolve the problem in an impartial and confidential manner. The alleged harasser will be told in writing that there is a complaint and the identity of the employee who reported the breach will be kept confidential, unless otherwise required by law.

If the investigation yields evidence to support the complaint, the harasser will be disciplined, and appropriate documentation will be placed on the harasser's file. Disciplinary action will vary depending on the severity of the harassment, whether the harassment was intentional or unintentional, whether the offense was an isolated case or other cases of harassment are identified, and other mitigating or aggravating circumstances. Discipline may range from education and counseling to written warnings to termination. The complainant and/or the alleged harasser may be encouraged to seek outside supportive counseling.

All complaints will be treated seriously. All information obtained during the investigation will be confidential, except where practical and necessary to determine course of action, or inform the proper authorities, where appropriate.

Employees also have the right to contact the Alberta Human Rights Commission, and, if appropriate, file a charge with the Calgary Police Service.

3.11 Breach of policy and disclosure procedures

Although each case will be dealt with individually based on the facts, employees must recognize that a breach of the Code, a breach of a MSA policy or procedure, or conviction for any illegal activity may result in disciplinary action up to and including termination of employment.

The CEO must receive and ensure the confidentiality of all employee inquiries and disclosures and must ensure that any real or apparent conflict of interest is avoided or effectively managed. The CEO is responsible for providing advice and managing concerns and complaints concerning potential breaches of the Code, including conflicts of interest within the MSA.

It is the responsibility of each employee to disclose in writing any real or apparent conflicts of interest that they think could be seen to have an influence on decisions or actions that the employee may make on behalf of the MSA. When there is a change in an employee's responsibilities within the MSA or in their personal circumstances, the employee must disclose in writing any relevant new or additional information about those interests as soon as possible.

Employees have a responsibility to avoid real and perceived conflicts of interest and to take all necessary steps to remove themselves from any conflict situation.

Where a real or apparent conflict of interest cannot be avoided, employees must take the appropriate steps to manage the conflict. Employees must disclose these real or apparent conflicts of interest so that the CEO is aware of situations that could be seen as influencing the decisions or actions they are making on behalf of the MSA. Disclosure, while necessary and important, does not itself remove a conflict of interest. Steps available to employees to actively manage a conflict of interest, include:

1. removing themselves from matters in which the conflict exists or is perceived to exist;
2. giving up the particular private interest causing the conflict; or

3. in rare circumstances, resigning their position with the MSA.

All steps to be taken to manage a potential conflict must be disclosed to and approved by the CEO.

Employees are encouraged to report in writing a potential breach of the Code by another employee to the CEO. When an employee reports a potential breach in good faith and with reasonable grounds, the employee is protected from retaliation for such reporting.

Once a potential breach has been reported, the CEO will review the circumstances and details of the potential breach and will notify the employee to whom the alleged breach pertains. The notified employee has the right to complete information and the right to respond fully to the potential breach. The identity of the employee reporting a potential breach will not be disclosed unless required by law or in a legal proceeding. The CEO must make a decision as to whether a breach has occurred and if so, what steps will be taken to address the breach. The CEO will provide a report setting out their decision to the notified employee and the employee who reported the potential breach. If the matter has not been resolved and, if the CEO considers it necessary and advisable, the report will include steps to be taken to resolve the conflict.

Employees may request in writing that external counsel review the decision made by the CEO about a real or apparent breach of the Code, including conflict of interest involving that employee.

An employee charged with or convicted of a criminal offence under the *Criminal Code* or any other legislation that imposes criminal offences (e.g., *Motor Vehicle Act*, *Controlled Drugs and Substances Act*, *Firearms Act*, etc.) arising from the employee's conduct while on or off duty must immediately report the charge or conviction to the CEO who will determine the necessary course of action based on the circumstances.

3.12 Senior Official and Designated Senior Official

The CEO is the only senior official of the MSA. In addition, the position of Market Surveillance Administrator has been named as a designated senior official pursuant to Order in Council 085/2018.

The additional requirements set out in this section only apply to the CEO and are subject to the transition provisions set out in sections 23.97 and 23.971 of the *Conflicts of Interest Act*.

The CEO must be aware of and comply with all of the rules and requirements of the *Conflicts of Interest Act*. In the event of a conflict between the Code (or any portion thereof) and the *Conflicts of Interest Act*, the provisions of the *Conflicts of Interest Act* will prevail.

In the course of carrying out his or her office or powers, the CEO must not take part in any decision that might further a private interest of the CEO, a person directly associated with the CEO, or the CEO's minor or adult child.

The CEO must not use his or her powers to influence or seek to influence a decision to be made by on or behalf of the Crown or a public agency to further a private interest of the CEO or a person directly associated with the CEO, or to improperly further any other person's private interest.

The CEO must not use or communicate information not available to the general public that was gained by the CEO in the course of carrying out his or her office or powers to further or seek to further a private interest of the CEO or any other person's private interest.

The CEO must appropriately and adequately disclose a real or apparent conflict of interest to the Ethics Commissioner immediately upon employment with the MSA and as soon as they arise following employment.

The CEO must not own or have a beneficial interest in publicly-traded securities except in strict compliance with the *Conflicts of Interest Act* and the CEO shall file with the Ethics Commissioner within 60 days of becoming the CEO and each subsequent year, a personal disclosure statement and a return relating to persons directly associated with the CEO in the form and manner determined by the Ethics Commissioner. The CEO must file with the Ethics Commissioner an amended disclosure statement or return within 30 days after the occurrence of any material changes to the information contained in the current disclosure statement or return. The CEO must file a return within 30 days if no longer designated as a designated senior official.

The CEO must not be involved in any appointment, business undertaking or employment (including self-employment) other than the appointment, business, undertaking or employment that is subject to the *Conflicts of Interest Act*, unless the CEO receives written approval from the Ethics Commissioner to do so and complies with any conditions that the Ethics Commissioner has included in the approval.

The CEO must not disclose confidential information, including information pertaining to MSA processes, of which they became aware while serving as an official of the MSA, and he or she must not use contacts with former colleagues to gain an unfair advantage for his or her current circumstance for a period of twelve months after termination of their employment with the MSA.

The CEO must comply with the post-employment restrictions of the *Conflicts of Interest Act* including the following restrictions:

1. No former CEO shall, for a period of 12 months from the last day the former CEO held the position of Market Surveillance Administrator, lobby as defined in the *Lobbyists Act* any public office holder as defined in the *Lobbyists Act*.
2. No former CEO shall, for a period of 12 months from the last day the former CEO held the position of Market Surveillance Administrator, act on a commercial basis or make representations on their own behalf or on behalf of any other person in connection with any ongoing matter in connection with which the former CEO directly acted for or advised a department or public agency involved in the matter.

3. No former CEO shall, for a period of 12 months from the last day the former CEO had a direct and significant official dealing with a department or public agency, make representations with respect to a contract with or benefit from that department or public agency.
4. No former CEO shall, for a period of 12 months from the last day the former CEO had a direct and significant official dealing with a department or public agency, solicit or accept on their own behalf a contract or benefit from that department or public agency.
5. No former CEO shall, for a period of 12 months from the last day the former CEO had a direct and significant official dealing with an individual, organization, board of directors or equivalent body of an organization, accept employment with that individual or organization or an appointment to the board of directors or equivalent body.

APPENDIX A: EMPLOYEE CERTIFICATION AND DISCLOSURE SUMMARY

This document will be retained in your personnel file.

Section 1 – Employee information

Name: _____

Section 2 – Certification

Check all boxes, as applicable

- 2A. I hereby certify that I have read and understand the Code of Conduct and recognize that compliance with all applicable policies and procedures is part of the terms and conditions of my employment at the MSA.
- 2B. I specifically understand my obligation to protect the confidentiality of information, and that this is a continuing obligation during and after the term of my employment.
- 2C. I hereby certify that I have been compliant at all relevant times with the Code of Conduct and other applicable MSA policies and procedures, except as otherwise disclosed in writing to the CEO.

Section 3 – Financial assets/interests disclosure

Check 3A or 3B as appropriate.

- 3A I, my spouse, and/or my minor children **do not** directly or indirectly own any prohibited investments (or any other interests that may cause a conflict of interest) as described in the Code of Conduct under section 3.4, and I do not exercise any direct or indirect influence or control over any prohibited investments owned by any other person, including my spouse and/or children.
- 3B I, my spouse, and/or my minor children **do** own or possess prohibited investments. I have completed the financial assets/interest disclosure summary (section 4) disclosing the prohibited investments.

I certify that the information provided in section 2 and section 3 is correct.

Employee signature _____ Date _____

Section 4 – Financial assets/interests disclosure summary

Fill out applicable sections and certify the information in section 4E. Attach additional pages if necessary.

4A. Private corporations: List any private corporations controlled by you, your spouse, or minor children, or over which you have control or influence, that relate directly or indirectly to the MSA mandate.

Name of entity _____

Description _____

Owner (e.g. employee or spouse) _____ Approximate value _____

4B. Private business interests: List all private business interests, including securities in private corporations, interests in sole proprietorships and joint ventures, held by you, your spouse, and/or minor children that do business with the MSA or with any entity the MSA regulates (Do not include items listed in section 4A).

Name of business _____ Description of business _____

Description of interest _____ Value _____

4C. Securities and other interests in publicly traded securities: List all securities or other interests owned or controlled by you, your spouse, and/or minor children held in publicly traded entities that are directly or indirectly related to the mandate of the MSA.

Name of entity _____ Description of interest _____

Owner _____ Value (on disclosure date) _____

4D. List any other significant liabilities, financial interests and sources of income that may create a real or apparent conflict with the mandate of the MSA.

Description _____

4E. I certify that the information provided in the financial assets/interests disclosure summary section is correct.

Employee signature _____ **Date** _____

The personal information in Appendix A is being collected under the authority of section 33(3) of the *Freedom of Information and Protection of Privacy Act (FOIP Act)*. This information will be used for ensuring compliance with the terms and conditions of employment and the MSA Code of Conduct. This information is protected by the privacy provisions of the FOIP Act. If you have any questions regarding this collection or use, please contact the MSA FOIP Coordinator.