

# **Terms and Conditions of Employment**

District Electoral Officers  
and  
Deputy District Electoral Officers



**ELECTIONS BC**

A non-partisan Office of the Legislature



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## **Introduction**

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This policy document outlines the terms and conditions of employment, including standards of conduct, established by the Chief Electoral Officer (CEO) for individuals employed as a District Electoral Officer (DEO) and/or Deputy District Electoral Officer (DDEO). DEOs and DDEOs are appointed under s.18 of the *Election Act* and are temporary employees of Elections BC.

Complying with these employment terms and standards of conduct is a condition of employment. Employees who fail to comply may be subject to disciplinary action up to and including dismissal.

Elections BC may update these policies periodically. Elections BC will communicate any changes to DEOs and DDEOs by revising this document and providing a copy to all appointees.

All DEO/DDEOs must review this document annually and direct any questions to their supervisor.

## **Standards of conduct**

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DEOs and DDEOs are representatives of the CEO and must conduct themselves accordingly at all times. DEOs/DDEOs must ensure that their conduct is above criticism at all times to maintain and enhance the public's trust in the provincial electoral process. They must behave in a way that will withstand the closest public scrutiny, and conduct themselves in a manner that will earn and maintain the respect, confidence and trust of the public and the Legislative Assembly of the Province.

Human Resource Policy 9, Standards of Conduct for Public Service Employees, governs the standards of conduct for all persons and organizations covered by the *Public Service Act*. As this policy statement broadly applies to all employees in the public service, Elections BC extends this policy to all employees hired under the *Election Act*, including DEOs and DDEOs.

The Standards of Conduct describe what Elections BC expects of employees, and defines related employer and employee responsibilities. Employees who breach the Standards of Conduct may be subject to disciplinary action up to and including dismissal.

Upon joining Elections BC, all DEOs and DDEOs must read, understand and generally adhere to Human Resource Policy 9, Standards of Conduct for Public Service Employees, including amendments made from time to time, unless a term in the within document specifically overrides the general Standards of Conduct.

Human Resource Policy 9, Standards of Conduct for Public Service Employees is available from the MyHR website at: [https://www2.gov.bc.ca/assets/gov/careers/managers-supervisors/managing-employee-labour-relations/standards\\_conduct.pdf](https://www2.gov.bc.ca/assets/gov/careers/managers-supervisors/managing-employee-labour-relations/standards_conduct.pdf)

Human Resource Policy 9, Standards of Conduct for Public Service Employees broadly applies to all employees in the public service. Some of the specific language in this policy is not applicable to employees of Independent Offices of the Legislature. Offices have a unique relationship with government and the Legislative Assembly. As a result, the below information is a supplement to and must be read with Human Resource Policy 9, Standards of Conduct for Public Service Employees.

1. References to “Deputy Minister” should be interpreted as the Chief Electoral Officer (CEO).
2. References to “Ministry” should be interpreted as the Office of the CEO (Elections BC).
3. Elections BC employees have a duty of loyalty to Elections BC and the CEO who, in turn is accountable to the Legislative Assembly, not to the government.
4. References to the “Oath of Employment” should be interpreted as the Oath of Office for DEOs and DDEOs, which the *Election Act* requires every DEO and DDEO to swear or affirm on hire.

In addition to the interpretation guide above, there are certain sections of Human Resource Policy 9, Standards of Conduct for Public Service Employees that are superseded by the requirements of the *Election Act* and/or Elections BC policies. The following policy should be read in conjunction with Human Resource Policy 9, Standards of Conduct for Public Service Employees:

## Loyalty

Elections BC employees serve the Legislative Assembly, the CEO and the public impartially and to the best of their ability, not the government of the day.

## Confidentiality

DEOs and DDEOs will have access to sensitive, confidential and/or personal information as defined under the *Freedom of Information and Protection of Privacy Act*. In addition to the confidentiality requirements of Human Resource Policy 9, Standards of Conduct for Public Service Employees, DEOs and DDEOs must comply with Elections BC's privacy and information-sharing policies, available on the DEO Desktop intranet site or from Elections BC's Privacy Officer.

## Public comments

In addition to the public comments requirements of Human Resource Policy 9, Standards of Conduct for Public Service Employees, DEOs and DDEOs must take additional care when commenting on public issues. DEOs and DDEOs may speak to the media and the public on matters of fact related to electoral administration. DEOs and DDEOs must not express personal opinions to the public or media regarding the Acts which Elections BC administers, including the *Election Act*, *Local Elections Campaign Financing Act*, *Recall and Initiative Act*, or *Referendum Act*, Elections BC's policies, or any political party or candidate. Public trust and confidence in Elections BC may be severely impaired if employee statements appear to take sides or positions on matters of public concern.

## Political Activity

Elections BC is a non-partisan Office of the Legislature. It is essential that staff are, and appear to be, impartial in the conduct of their duties. Policy 24.2, "Being Non-Partisan", available on the Elections BC website at <https://elections.bc.ca/docs/emp/policy-24.2-being-non-partisan.pdf>, and the DEO Desktop intranet site, outlines prohibited and acceptable political activities for Elections BC staff.

Elections BC policy 24.2, and the policy statements below, supersede the Political Activity section outlined in Human Resource Policy 9, Standards of Conduct for Public Service Employees.

DEOs and DDEOs must avoid open participation in partisan political activity, both during and outside electoral event periods. This includes activities at the federal, provincial, territorial, or local government level. Section 18 of the *Election Act* explicitly states that DEOs and DDEOs must not:

- be members of, be an employee of, hold a position with or make a contribution to a registered political party, a registered constituency association or a political party or constituency association seeking registration; nor
- in relation to the individual's candidacy, be an employee of, hold a position with or make a contribution to an individual who is, intends to be or was a candidate in an election.

In addition, individuals who currently hold office, or are candidates for office at the local government level may not be appointed as a DEO or DDEO. A DEO or DDEO who holds or is a candidate for such office will be considered to have acted in a politically partisan manner for the purposes of section 18(9)(d) of the *Election Act*. Individuals who have held office or were a candidate for office at the local government level in the past may be appointed as a DEO or

DDEO at the discretion of the CEO. However, the CEO must be satisfied that the individual's past involvement at the local government level does not negatively impact their ability to be, or to be perceived as, a non-partisan and impartial representative of the CEO.

Local government offices for the purpose of this policy include, but are not limited to:

- Mayor, councillor, electoral area director, elected member of a special purpose body (e.g. trustee of the Island Trust council, commissioner of the Vancouver or Cultus Lake Park Board (held under the *Local Government Act*)
- School Trustee (held under the *School Act*)

Non-partisan policies are not meant in any way to interfere with an employee's rights as a private citizen but focus on the collective responsibilities and public expectations of Elections BC as a whole.

### **Service to the Public**

The Canadian Charter of Rights and Freedoms establishes equality of voting rights for all citizens. In addition to the service to the public requirements of Human Resource Policy 9, Standards of Conduct for Public Service Employees, it is the role of the DEO/DDEO to ensure the right to vote is protected from any administrative barrier and to bring equity to the process. DEOs and DDEOs must place a greater emphasis on the needs of voters than administrative convenience when making voting arrangements and providing access to voting opportunities.

### **Workplace behaviour**

In addition to the workplace behaviour requirements of Human Resource Policy 9, Standards of Conduct for Public Service Employees, Elections BC extends the following policies to DEOs and DDEOs:

- Human Resources Policy 11, Discrimination and Harassment in the Workplace, available from the MyHR website at [https://www2.gov.bc.ca/assets/gov/careers/managers-supervisors/managing-employee-labour-relations/hr-policy-pdf-documents/11\\_discrimination\\_and\\_harassment\\_in\\_the\\_workplace\\_policy.pdf](https://www2.gov.bc.ca/assets/gov/careers/managers-supervisors/managing-employee-labour-relations/hr-policy-pdf-documents/11_discrimination_and_harassment_in_the_workplace_policy.pdf)
- Human Resources Policy 4, Occupational Safety and Health, available from the MyHR website at [https://www2.gov.bc.ca/assets/gov/careers/managers-supervisors/managing-employee-labour-relations/hr-policy-pdf-documents/04\\_occupational\\_safety\\_and\\_health\\_policy.pdf](https://www2.gov.bc.ca/assets/gov/careers/managers-supervisors/managing-employee-labour-relations/hr-policy-pdf-documents/04_occupational_safety_and_health_policy.pdf)

All DEOs and DDEOs and their employees may expect to work in and have a responsibility to create and maintain a safe workplace. As managers and supervisors of employees, DEOs and DDEOs must ensure safe and healthy work environments by establishing and maintaining safe working practices through proper procedures and direction, and providing training and direction to staff on health and safety standards, policies and procedures.

Workplace behaviour and occupational safety and health concerns are to be reported immediately to Elections BC Human Resources.

Discrimination and harassment complaint procedures for DEOs and DDEOs will follow the procedures for excluded employees of the BC Public Service as explained in Human Resources Policy 11, Discrimination and Harassment in the Workplace. For purposes of complaint procedures, the Chief Electoral Officer has the same authorities as a Deputy Minister.

As managers and supervisors of other temporary employees, DEOs and DDEOs have the same responsibilities as Excluded Managers, as outlined in Human Resources Policy 11, Discrimination and Harassment in the Workplace.

### **Conflicts of interest**

Conflict of Interest Guidelines are available on the MyHR website at <https://www2.gov.bc.ca/gov/content/careers-myhr/about-the-bc-public-service/ethics-standards-of-conduct/conflict-interest>. Elections BC's Ethics Advisor is the Deputy CEO, Corporate Services.

### **Allegations of Wrongdoing**

In addition to the allegations of wrongdoings requirements of Human Resource Policy 9, Standards of Conduct for Public Service Employees, Elections BC employees must report allegations or concerns in writing to a Deputy CEO. Where an allegation involves the CEO, the employee will forward the allegation to another appropriate independent officer of the legislature, such as the Ombudsperson or the Auditor General of BC.

Employees may also report allegations of wrongdoing under the *Public Interest Disclosure Act* to their supervisor, designated officer (Deputy Chief Electoral Officer, Corporate Services or Director, Human Resources and Development Services) or the Ombudsperson. They must not make disclosures to the BC Public Service Agency designated officer. The BC public service HR Policy on Public Interest Disclosure and the Procedures for Managing Disclosures do not apply to employees of an Office of the Legislature. Elections BC has its own internal procedures under the *Public Interest Disclosure Act*.

### **Legal Proceedings**

In addition to the legal proceedings requirements of Human Resource Policy 9, Standards of Conduct for Public Service Employees, DEO/DDEOs may only sign affidavits for court proceedings that were prepared or reviewed by a lawyer acting for Elections BC and authorized by the CEO. Employees must not sign affidavits prepared by Legal Service Branch of the Ministry of Attorney General. Employees are obliged to cooperate with lawyers pursuing or defending Elections BC's interest during legal proceedings.

### **Working Relationships and Human Resource Decisions**

In addition to the working relationships and human resource decisions requirements of Human Resource Policy 9, Standards of Conduct for Public Service Employees, DEOs and DDEOs must take care when entering into employment relationships where there is a personal relationship outside the workplace.

The employment of election officials, enumerators, and office staff must not be motivated by partisan political considerations or personal relationships. DEOs and DDEOs must select all staff on the basis of merit. Spouses, including common-law partners, individuals who are direct relatives, individuals who share the same household as a DEO or DDEO, or other family members must not be appointed as office staff or enumerators. DEOs and DDEOs may appoint these individuals as election officials, provided they have been selected on the basis of merit. "Family" includes father, mother, brother, sister, child, grandchild, grandparent, and corresponding members of the family-in-law.

### **Outside Remunerative and Volunteer Work**

In addition to the outside remunerative and volunteer work requirements of Human Resource Policy 9, Standards of Conduct for Public Service Employees, DEOs and DDEOs must disclose

to Elections BC any outside activities that may interfere with the performance of their duties. Given the tight timeframes for electoral event delivery, DEOs and DDEOs must work more than full-time hours during an electoral event and must be free of any conflicting commitments. See the “Hours of Work” section of this document for more information.

In addition to the requirements of Human Resource Policy 9, Standards of Conduct for Public Service Employees, and the policy statements in this document, the following also applies to DEOs and DDEOs:

### **Fiscal responsibility**

DEOs and DDEOs are in a position of enormous trust in relation to the use of taxpayers’ money. DEOs and DDEOs must make expenditures prudently and in accordance with Elections BC policies and directives, and maintain appropriate records. DEOs and DDEOs may only make authorized expenditures, and purchase only essential goods and services necessary to perform the duties required. Elections BC assets, including those purchased by DEOs and DDEOs in the performance of their duties, may only be used in relation to Election BC’s mandate and must be returned to Elections BC upon the completion of duties.

### **Compliance**

DEOs and DDEOs must respect all provisions of electoral and related legislation and regulations. It is essential that the instructions of the CEO are followed and that all deadlines are met. Failure to do so may seriously affect Elections BC’s ability to meet the requirements of the *Election Act* and other relevant legislation, and may be considered grounds for termination of employment.

## **General terms of employment**

All employees of Elections BC are excluded from union or association membership.

### **Employment term**

Once appointed, DEOs and DDEOs are temporary employees of Elections BC. The CEO will establish the start date of their appointment/employment.

The term of appointment/employment for a DEO generally ends six months after General Voting Day for the first general election called after the appointment, or when the electoral district is disestablished within the meaning of section 18 of the *Election Act*, whichever is earlier.

The term of appointment/employment for a DDEO typically ends six months after General Voting Day for the first general election called after the appointment, or when the district is disestablished within the meaning of section 18 of the *Election Act*, or as established by the CEO, whichever is earlier.

However, if an election for the electoral district is in progress at the end of the term of appointment for a DEO or DDEO, the CEO may extend the term of appointment/employment for a specified period.

If the term of appointment/employment will end on a different date due to circumstances not described above, that date will be determined by the CEO and communicated at the time of appointment.

When the appointment ends, the employment term is also ended. The DEO or DDEO will not be entitled to notice of, or compensation for, the termination of employment as the DEO or DDEO is employed for a definite term within the meaning of the *Employment Standards Act*.

Per section 18(7) of the *Election Act*, a DEO must not resign on less than three months' notice, except with the consent of the CEO. Elections BC extends this policy to DDEOs as well.

A DEO or DDEO must immediately inform the CEO if circumstances occur that make the DEO or DDEO unable to meet the required qualifications or to fulfill their duties under the *Election Act*.

DEOs and DDEOs must be available during the employment term as required to conduct a general election, by-election, referendum or initiative vote, as well as any other assignment that may be required by the CEO, such as carrying out preparatory activities for an electoral event, and training activities.

DEOs and DDEOs may also be terminated from their employment, or their appointment rescinded, in accordance with the terms set out in their Appointment/Employment Agreement and as set out under the "End of employment relationship" section of this document.

### **Hours of work**

DEOs and DDEOs must be readily accessible to the CEO and Elections BC staff. DEOs and DDEOs are required to advise Elections BC when an absence from their electoral district renders them unable to perform their duties or are otherwise unable to act.

Outside of an electoral event period, availability for training sessions, preparatory assignments and special project work is typically on a part-time basis. Attendance at training sessions is mandatory, but hours of work for other assignments and activities will be determined on a

mutually agreed-upon basis between the DEO/DDEO and Elections BC, provided that deadlines for assignment completion are met.

During the term of their appointment, there may be periods of time where no work is assigned by the CEO; however, DEOs and DDEOs are expected to maintain contact with Elections BC, including reviewing and responding to messages from the CEO and Elections BC staff and keeping their email and computer accounts active.

During the administration of an electoral event DEOs and DDEOs must be free of any other conflicting job commitments. DEOs and DDEOs will open and manage the district electoral office for the period specified by the CEO. In addition, DEOs and DDEOs will work additional hours as required or directed by the CEO during an electoral event.

District electoral offices must be open to the public during standard hours of operation required by Elections BC. In each electoral district, it is good practice for either the DEO or DDEO to be present at the district electoral office at all times that the office is open to the public. If both the DEO and DDEO are absent from the office during business hours, they must be readily available for communication by Elections BC-issued cell phone. It is imperative that the DEO or DDEO's absence does not present a barrier to accessing their services (e.g. acceptance of candidate nomination papers, voting in the district electoral office).

DEOs and DDEOs will work more than full-time to meet operational demands. As management level employees, DEOs and DDEOs are exempt from parts 4 and 5 of the *Employment Standards Act*, regarding hours of work, overtime entitlements and statutory holiday pay. No overtime compensation will be paid despite the requirement to work additional hours as necessary. Compensation rates for DEOs/DDEOs take into account the extended hours required during an event period.

## **Travel**

DEOs and DDEOs will be expected to travel within their electoral district in order to conduct their duties, and to other locations in B.C. to attend training. Travel is a requirement of the position, and DEOs and DDEOs who are not willing or able to travel must not accept appointment. All travel must be authorized by the CEO, and any work-related travel expenses must be pre-approved. DEOs and DDEOs will be reimbursed for work-related travel expenses in accordance with Elections BC policies.

DEOs and DDEOs may be required to use a personal vehicle for periodic transportation within their electoral district in order to conduct their duties; for example, transportation of supplies to voting places. Access to a personal vehicle for occasional transportation and travel within their electoral district is a condition of employment. DEOs and DDEOs who are required to use this personal vehicle are reimbursed for mileage costs. The vehicle owner is responsible for purchasing and maintaining valid third-party liability insurance in an amount not less than \$2 million. The vehicle must be rated for business use if it will be used for business purposes more than six (6) days per month. The mileage reimbursement rate takes into account insurance and fuel costs, and vehicle wear and tear.

## **Work Tools**

On appointment, DEOs and DDEOs will be provided with an Elections BC laptop, printer, ink cartridge, cell phone, email address and a supply of printer paper to complete their duties. These work tools must be used to complete online training and work assignments, and returned

to Elections BC at the end of the DEO/DDEO's appointment. These tools will also be used by the DEO and DDEO during the period they work out of the district electoral office. Access to and use of these work tools is guided by Elections BC policies, and all DEOs and DDEOs will be required to sign an Agreement for Use of Elections BC's Computers by Temporary Employees (527).

DEOs and DDEOs must have access to high-speed internet as a condition of employment. No reimbursement is provided by Elections BC for a home internet connection.

### **Employment benefits**

Medical and dental benefits do not apply to DEOs and DDEOs. DEOs and DDEOs who qualify under the Public Service Pension Plan guidelines may apply for pension benefits if and when eligible to begin contributions. Further information should be obtained directly from the B.C. Pension Corporation ([www.pensionsbc.ca](http://www.pensionsbc.ca)). Elections BC is not in a position to provide advice about enrolment in the Public Service Pension Plan or specific employees' options.

### **Employment deductions**

Elections BC will make deductions as required by law for Canada Pension Plan, income tax and Employment Insurance.

### **Compensation**

Compensation rates and work-related travel expense allowances for DEOs and DDEOs are established by Elections BC and outlined in the document "District Electoral Officer and Deputy District Electoral Officer Compensation." Compensation rates reflect role responsibilities. Compensation rates are updated prior to each event and communicated to DEOs and DDEOs.

Reimbursement for travel expenses for pre-authorized work-related travel will be provided at rates outlined.

Travel status generally begins from the place of business and not the residence. Travel to and from the district electoral office from the employee's home is not recognized as a travel expense.

Vacation eligibility is defined by the *Employment Standards Act* and those who are eligible are paid 4% of gross wages on each payday in lieu of vacation.

### **Leave**

When accepting temporary employment terms, DEOs and DDEOs are indicating, to the best of their knowledge, that they are available to work that term. DEOs and DDEOs are expected to complete all preparatory assignments and training activities in accordance with deadlines established by the CEO and to be available full-time during electoral events.

If a DEO or DDEO requires leave during the period of their appointment, they must submit a leave request in writing to Elections BC using leave request procedures established by the CEO. Employees are requested to give as much notice of leave as possible.

Elections BC will endeavor to accommodate personal leave requests to the extent possible. Any period of leave must not impact the ability of a DEO or DDEO to fulfill their duties. Given the short-term, temporary nature of the employment and the narrow timeframes for meeting legislated requirements, any period of absence may cause the DEO or DDEO to be incapable of satisfactorily performing their duties.

Unpaid leave options are available as specified by the *Employment Standards Act*. In addition, DEOs and DDEOs are entitled to up to three days paid leave at any one time under the provisions of Family Responsibility Leave, Compassionate Care Leave, or Bereavement Leave, as defined by the *Employment Standards Act*. DEOs and DDEOs who are ill or injured and require leave from work are entitled to up to three days paid leave in a calendar year. Any additional leave required under these provisions must be taken as leave without pay.

Elections BC employees are not entitled to time off to vote on General Voting Day for a provincial general election or by-election.

### **Reimbursement of Expenses for Cancelled Personal Travel**

A DEO or DDEO may be reimbursed by the CEO for expenses incurred for cancelled personal travel, provided they meet the following criteria:

- The CEO has approved, in writing, the DEO/DDEO's leave of absence from their electoral district prior to the start of the leave period.
- The DEO/DDEO is directed by the CEO to cancel their leave and abandon their travel plans as a result of an actual or imminent general election or by-election.
- The DEO/DDEO has incurred expenses for personal travel.
- The travel expenses were incurred:
  - before the issue of a writ,
  - before any notification from Elections BC directing the presence of the DEO or DDEO in their electoral district pending the call of an election, and
  - after receipt of written approval for the leave period from the CEO.

If the CEO directs a DEO or DDEO to cancel personal travel arrangements because of an actual or imminent election call, and the above criteria are met, Elections BC may reimburse the DEO or DDEO for the following costs:

- the costs incurred by the DEO or DDEO to travel back to the electoral district; and/or
- where the cost of personal travel arrangements has been prepaid, all or part of the portion of the costs of the cancelled arrangements that is not reimbursed by the service provider.

Reimbursement of costs may include costs incurred by family members (spouse and/or dependent children) traveling with the DEO or DDEO.

The Chief Electoral Officer will make a reimbursement decision in such circumstances on a case-by-case basis.

All DEOs and DDEOs claiming reimbursement under this policy must provide original supporting documents from the tour organizer or travel provider/agent that indicate the following:

- the cost of the foregone travel arrangements as well as outstanding, credited or refunded amounts (Elections BC will refund only the amount not reimbursed by the service provider);
- that the amounts claimed were actually paid;
- the name of the individual who made the payments;
- that payment for the claimed expenses was made before the issue of the writ or before

- notification from Elections BC that an election call was imminent;
- that the person making the claim was indeed a member of the trip that was cancelled; and
- a short explanation of the circumstances leading to the claim.

### **End of employment relationship**

Section 18(9) of the *Election Act* states that the CEO may rescind the appointment of a DEO or DDEO before what would otherwise be the end of the individual's term of appointment on any of the following grounds:

1. that the official is incapable, by reason of illness or otherwise, of satisfactorily performing the individual's duties;
2. that the official has not followed the direction of the CEO;
3. that the official has failed to competently discharge a duty of office to the satisfaction of the CEO; and/or
4. that, in the opinion of the CEO, the official has acted in a politically partisan manner during the term of the individual's appointment, whether or not this was done in the course of performing the individual's duties under the *Election Act*.

Should the CEO rescind the appointment of a DEO or DDEO on the aforementioned grounds, the employment of the DEO or DDEO will be terminated.

If the DEO or DDEO's appointment is rescinded in accordance with section 18(9) of the *Election Act*, for a reason that would not constitute cause at law, at the sole discretion of the CEO, the CEO will provide the DEO or DDEO with notice of the termination, or pay in lieu of notice, in an amount equivalent to the minimum amount of notice to which the DEO or DDEO is entitled to under the *Employment Standards Act*, R.S.B.C. 1996, c.113 and amendments thereto.

Nothing limits the CEO or Elections BC from terminating the DEO or DDEO for cause, including conduct that would constitute cause as described in section 18(9) of the *Election Act*. In which event, the payment of all compensation and benefits will cease effective the date of termination, except for any earned and accrued pay.

The appointment may also be rescinded and the employment relationship terminated by mutual agreement of both parties.

## Questions?

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**For more information**

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