



Code of Conduct for Employees

Internal Commission Document

1st October 2010

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1. Overview

- 1.1 The Commission for Aviation Regulation (hereinafter called the “Commission”) regulates certain aspects of the aviation and travel trade sectors in Ireland. It was established on the 27th February 2001 under the Aviation Regulation Act, 2001.

The Commission is an independent public body under the auspices of the Department of Transport and is accountable to the Houses of the Oireachtas. The Commission is guided in its actions by a number of different sources of legislation, governing the various areas that it regulates, which are incorporated in the 2001 Act. Whilst the Commission has a diverse portfolio of responsibilities, its principal function is price regulation i.e. setting the maximum level of airport charges at Dublin Airport and aviation terminal services charges at Dublin, Cork and Shannon Airports.

The Commission is also responsible for licensing the travel trade in Ireland. It grants licenses to tour operators and travel agents who meet the requirements set out in the Transport (Tour Operators and Travel Agents) Act 1982. As part of this function, the Commission administers a bonding scheme from which it processes claims for refunds and repatriation in the event that either a travel agent or a tour operator collapses. The Commission also investigates instances of alleged illegal trading and where necessary it will prosecute illegal traders.

In addition to the above, the Commission licenses airlines and approves ground-handling service providers under regulations implementing EU legislation. In accordance with EC legislation, the Commission also discharges Ireland's responsibilities in respect of slot allocation arrangements.

Finally, the Commission has a significant consumer protection role. As Ireland's national enforcement body it is tasked with investigating and enforcing the implementation of two pieces of EC legislation. The first of these pertains to Air Passenger Rights (EC Regulation 261/2004) and the second relates to the provision of assistance to Passengers of Reduced Mobility when travelling by air (EC Regulation 1107/2006). Allied to its role under Regulation 261/2004, the Commission is also responsible for the measures set out in EC Regulation 2006/2004 which provides for cooperation between the national authorities responsible for the enforcement of consumer protection laws.

This document promotes the traditional public service values of honesty, impartiality and integrity and the Commission views these values as the corner stone for all official actions taken by employees of the Commission. The standards set out in this document aim to achieve the provision of a high quality public service – the ultimate objective of the Commission.

2. Introduction

- 2.1 It should be noted that this document is not intended to be an exhaustive list of guidelines. Neither is it expected that the standards set out herein will cause difficulties for employees as Commission staff have always sought to operate to the highest standard of professionalism and integrity.
- 2.2 The Code of Conduct will be subject to review on an annual basis.

Basic principles of the code

- 2.3 The Commission for Aviation Regulation's Code of Conduct is based on a number of key principles which are summarised below.

Principles of the code of conduct

Employees must:

- always act within the law
- perform their duties with efficiency, diligence and courtesy
- observe appropriate behaviour when engaging both with the public and with colleagues
- conduct themselves with honesty, impartiality and integrity

Application of the code of conduct

- 2.4 The provisions of the Code apply to all employees whether full-time, part-time, permanent, temporary, fixed term etc. It shall also apply to employees on leave or on career breaks. For the purpose of this document, the term "employee" shall hereafter encapsulate all of these categories.
- 2.5 A copy of the Code will be given to each employee of the Commission and they in turn must indicate their understanding of the requirements set out therein. Opportunities will be provided for all staff to obtain clarification on any aspect of its content.
- 2.6 A breach of the Code may constitute a breach of the terms and conditions of employment and, pending the outcome of a full investigation, may result in disciplinary action.

3. Standards underpinning the Provision of Service

Impartiality

- 3.1 Employees shall conscientiously serve the public through their work at the Commission for Aviation Regulation. They shall be committed to the Commission's activities whilst at the same time considering the interests of consumers, the public, Government Departments and other State Agencies.
- 3.2 Employees shall not display partiality whether as a result of personal, family or other ties.

Legal Obligations

- 3.3 Employees should not act in a manner which they know or suspect is illegal, immoral or unethical or for which they have no legal authority.
- 3.4 Employees should exercise any discretion conferred on them by law in a bona fide manner.
- 3.5 Employees who have doubts about the acceptability of a particular action should immediately refer to their Head of Function for guidance. Similarly, Heads of Function should refer to the Commissioner on matters of concern.

Public Procurement

- 3.6 All purchasing of goods/services shall be done in accordance with Public Procurement Guidelines. Commission employees shall be conscious of their responsibilities in relation to commercially sensitive information obtained in relation to tenders, and not release such information other than in accordance with established practices.

Disclosure of Information

- 3.7 Employees shall be mindful of the provisions of Section 19 of the Aviation Regulation Act 2001 which prohibits the unauthorised disclosure of information.
- 3.8 Employees shall deal with queries from members of the public in an open and helpful way. They shall be mindful of the rights afforded to the public pursuant to the Freedom of Information Acts 1997 and 2003.
- 3.9 Employees shall be bound by the provisions of the Data Protection Acts 1988 and 2003.
- 3.10 Employees have a commitment not to acquire information or business secrets by improper means.
- 3.11 Former employees shall treat sensitive information received while in the employment of the Commission as confidential.

Dealing with the Public

- 3.12 Employees of the Commission should ensure that members of the public have their queries dealt with respectfully, sympathetically, efficiently and promptly.
- 3.13 Employees shall always give their names to any member of the public with whom they are dealing unless extenuating circumstances apply.
- 3.14 Employees shall show due consideration and respect for the public, their colleagues and the office they hold.
- 3.15 Employees shall at all times abide by the principles set out in the Commission for Aviation Regulation Customer Charter.

Membership of Organisations, Associations and other Bodies

- 3.16 Employees of the Commission may be members of their professional bodies/ institutes and/ or of trade unions, and participate in the activities of these bodies.
- 3.17 Where an employee is or becomes a member of a political party, or, is or becomes the holder of any nominated or elected position in either a political party or in public office, they must declare this to the Commissioner. In making this declaration, employees are reminded of the provisions of Article 16(2) of the Aviation Regulation Act 2001.

Standards of Behaviour at Work

Attendance and Performance

- 3.18 Employees are reminded that they must comply with the policies set forth in the Commission for Aviation Regulation “Employee Handbook” related to attendance and performance.

Use of Commission Resources

- 3.19 Employees are reminded that they must comply with the policies set forth in the Commission for Aviation Regulation “Employee Handbook” related to proper usage of Commission resources. However for the sake of clarity, Commission resources can be defined as including property and funds, information, IT equipment, stationery and any other asset (tangible or intangible) owned by the Commission.

Relations with Colleagues

- 3.20 Employees must at all times comply with national laws and obligations in this regard.
- 3.21 Employees are reminded that they must also comply with the policies set forth in the Commission for Aviation Regulation “Employee Handbook” vis-à-vis relations with colleagues.

4. Standards of Integrity

Improper Influence

- 4.1 Employees shall not use their positions to benefit themselves or others with whom they have personal, family or business ties.
- 4.2 Employees shall not seek to exert improper influence on others. Neither shall they seek to improperly influence decisions relating to their positions.

Disclosure of Interest

- 4.3 Relevant employees shall disclose any external employment or business interests which conflict or potentially conflict with the business of the Commission. In particular, attention should be drawn to Articles 17 and 18 of the Aviation Regulation Act 2001. Those employees to whom these Articles apply are required to continually comply with the provisions contained therein, declaring interests to the Commission and/or the Minister for Transport where appropriate. Employees to whom these additional obligations apply will be notified separately by the Commission.
- 4.4 If an employee is in doubt as to whether this Code requires the disclosure of an interest of his/her own or that of a connected person or body, that person should obtain clarification from his/ her Head of Function.
- 4.5 Details of any interests disclosed shall be kept in a confidential register and should be updated on an annual basis. Changes in the interim should be notified by the employee to their Head of Function as soon as possible. Only the Commissioner or the Minister for Transport should have access to the register.

Gifts

- 4.6 Employees of the Commission should not receive benefits of any kind from a third party which might reasonably be seen to compromise their personal judgement or integrity. The overriding concern is that the actions of all employees are above suspicion and therefore do not give rise to any actual or potential conflict of interest. Furthermore all employee dealings with commercial and other interests should bear the closest possible scrutiny.
- 4.7 The receipt of gifts, as distinct from hospitality, from those with whom employees have official dealings must be governed by the highest standards. For clarity, the term "gift" includes any benefit which is given to an employee free of charge or at less than its commercial price.
- 4.8 Employees may accept and retain gifts of modest value (e.g. pens, diaries etc.). Any gift of more significant value should be refused or, if such refusal would cause offence, should be handed over by the staff member concerned to his/her Head of Function. Failure by an employee to declare gifts or benefits other than those of modest value will constitute a breach of the terms and conditions of employment.
- 4.9 A gift, other than a gift of modest value, given to an employee by virtue of (a) his official relationship with the donor or (b) the Commission's

commercial dealings with the donor must be regarded as the property of the Commission. If a gift is of significant value it will be returned to the donor, referring to the Commission's policy on acceptance of gifts.

- 4.10 Particular care should be taken in relation to gifts from donors who stand to derive a personal or commercial benefit from their relationship with the Commission.
- 4.11 Cash, gift cheques or any vouchers that may be exchanged for cash may not be accepted regardless of the amount.
- 4.12 Employees shall not approach any business with which they have contact through their official duties seeking sponsorship or support for any club, charitable organisation, association, trade union or other organisation without having given prior notice to the Commission. The Heads of Function may apply discretion in the application of this rule to instances of very small patronage.
- 4.13 Employees shall not accept special facilities or discounts on private purchases from suppliers with whom they have official dealings.

Hospitality

- 4.14 As is the case with "Gifts", the overriding concern is that all employees in carrying out their official duties are above suspicion and therefore do not give rise to any actual or potential conflicts of interest and that all dealings with commercial and other interests should bear the closest possible scrutiny. It is accepted that employees should not be put in a position where they cannot accept what are regarded as normal courtesies in business relationships including modest lunches etc. However, in their contacts with outside organisations or persons, every care must be taken to ensure that acceptance of hospitality does not influence them, and could not reasonably be seen to influence them in discharging their functions.
- 4.15 All offers of hospitality made by commercial interests who have or might have contractual relations with the Commission must be reported by employees to their respective Heads of Function. The Heads of Function will in turn report offers of hospitality which they receive to the Commissioner.
- 4.16 No objection shall be made to the acceptance of what is regarded as routine hospitality (e.g. a business lunch). However what may be regarded as routine for this purpose shall depend on a number of factors such as the value of the hospitality offered, the frequency of offers, whether there is an element of reciprocity and the general circumstances in which it is offered (e.g. whether it is offered by a company to all its customers or directed at specific or potential customers).
- 4.17 It should be clearly understood that certain types of hospitality offered (e.g. involving travel or holidays) should not be regarded as routine and therefore should be refused immediately, or, if necessary notified by the employee to their respective Head of Function.

- 4.18 Employees shall avoid the giving or receiving of corporate gifts, hospitality, preferential treatments or benefits which might affect or appear to affect the ability of the donor or the recipient to make clear judgements on business transactions.

I, a(n)

with the Commission for Aviation Regulation hereby confirm that I have received a copy of the "Code of Conduct for Employees".

Furthermore I confirm that I have read and understood same and that I agree to be bound by the contents.

Employee Signature: _____

Date: _____