



Agriculture and  
Agri-Food Canada

Agriculture et  
Agroalimentaire Canada



# VALUES and ETHICS CODE

for Agriculture and Agri-Food Canada

Canada 



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## Note

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The text of this Code is taken directly from the *Values and Ethics Code for the Public Sector* and *Treasury Board Policy on Conflict of Interest and Post-Employment*. It has been modified only when needed to clarify how it applies at AAFC (for example, references to “deputy head” were clarified to “Deputy Minister”), and to include elements that are unique to AAFC.

Values and Ethics Code for Agriculture and Agri-Food Canada

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## INTRODUCTION

Agriculture and Agri-Food Canada (AAFC) provides information, research and technology, and policies and programs to achieve security of the food system, health of the environment and innovation for growth. AAFC, along with its portfolio partners, reports to Parliament and Canadians through the Minister of Agriculture and Agri-Food.

At AAFC, we contribute to fulfilling this mandate in all our professional activities. In doing so as public servants, we take pride in embodying the values and behaviours of the Canadian federal public sector. The *Values and Ethics Code for AAFC* sets out these values. It also includes more specific measures related to conflict of interest and post-employment, which serve to uphold our public sector values. Avoiding and preventing conflicts of interest is one of the primary ways in which a public servant maintains public confidence in the impartiality and objectivity of the public service.

When you read the *Values and Ethics Code for AAFC*, you will understand what is expected of you as a public servant at AAFC. When we act in accordance with the values and behaviours in this code, we sustain the trust and confidence of the public in ourselves, our organization, and in public service.

It is essential that we continue to act this way. We count on each one of you to integrate the values and behaviours described in the *Values and Ethics Code for AAFC* into your day to day jobs.



John Knuble  
Deputy Minister



Claude Carrière  
Associate Deputy Minister

## **PART I: VALUES**

### **The Role of Federal Public Servants**

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Federal public servants have a fundamental role to play in serving Canadians, their communities and the public interest under the direction of the elected government and in accordance with the law. As professionals whose work is essential to Canada's well-being and the enduring strength of the Canadian democracy, public servants uphold the public trust.

The Constitution of Canada and the principles of responsible government provide the foundation for the role, responsibilities and values of the federal public sector.<sup>1</sup> Constitutional conventions of ministerial responsibility prescribe the appropriate relationships among ministers, parliamentarians, public servants and the public. A professional and non-partisan federal public sector is integral to our democracy.

### **The Role of Ministers**

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Ministers are also responsible for preserving public trust and confidence in the integrity of public sector organizations and for upholding the tradition and practice of a professional non-partisan federal public sector. Furthermore, ministers play a critical role in supporting public servants' responsibility to provide professional and frank advice.<sup>2</sup>

### **Objectives**

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This Code outlines the values and expected behaviours that guide public servants at AAFC in all activities related to their professional duties. By committing to these values and adhering to the expected behaviours, public servants strengthen the ethical culture of the public sector and contribute to public confidence in the integrity of all public institutions.

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<sup>1</sup> This Code is intended to clarify the role and expectations of public servants within the framework of Canadian parliamentary democracy as laid out in the *Constitution Act* and the basic principle of responsible government, which holds that the powers of the Crown are exercised by ministers who are in turn accountable to Parliament.

<sup>2</sup> This text reflects the duties and responsibilities set out in *Accountable Government: A Guide for Ministers and Ministers of State*, the *Conflict of Interest Act*, the *Lobbying Act* and the *Public Servants Disclosure Protection Act* (PSDPA).

As established by the Deputy Minister of AAFC, this Code fulfills the requirement of section 6 of the *Public Servants Disclosure Protection Act (PSDPA)*, which requires federal organizations to establish a code of conduct. It was developed in consultation with public servants and bargaining agents, and it includes the principles and requirements of the *Values and Ethics Code for the Public Sector* as well as the Treasury Board *Policy on Conflict of Interest and Post-Employment*.

## **Statement of Values**

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These values are a compass to guide public servants in everything they do. They cannot be considered in isolation from each other as they will often overlap. This Code is the principal source of guidance for public servants at AAFC in choosing their course of action. The values of this Code must be integrated in our decisions, actions, policies, processes, and systems. Similarly, public servants at AAFC can expect to be treated in accordance with these values.

### **Respect for Democracy**

The system of Canadian parliamentary democracy and its institutions are fundamental to serving the public interest. Public servants recognize that elected officials are accountable to Parliament, and ultimately to the Canadian people, and that a non-partisan public sector is essential to our democratic system.

### **Respect for People**

Treating all people with respect, dignity and fairness is fundamental to our relationship with the Canadian public and contributes to a safe and healthy work environment that promotes engagement, openness and transparency. The diversity of our people and the ideas they generate are the source of our innovation.

### **Integrity**

Integrity is the cornerstone of good governance and democracy. By upholding the highest ethical standards, public servants conserve and enhance public confidence in the honesty, fairness and impartiality of the federal public sector.

### **Stewardship**

Federal public servants are entrusted to use and care for public resources responsibly, for both the short term and long term.



## **Excellence**

Excellence in the design and delivery of public sector policy, programs and services is beneficial to every aspect of Canadian public life. Engagement, collaboration, effective teamwork and professional development are all essential to a high-performing organization.

## **Expected Behaviours**

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Federal public servants are expected to conduct themselves in accordance with the values of the public sector and the following expected behaviours :

### **1. Respect for Democracy**

*Public servants shall uphold the Canadian parliamentary democracy and its institutions by:*

- 1.1 Respecting the rule of law and carrying out their duties in accordance with legislation, policies and directives in a non-partisan and impartial manner.
- 1.2 Loyal carrying out the lawful decisions of their leaders and supporting ministers in their accountability to Parliament and Canadians.
- 1.3 Providing decision makers with all the information, analysis and advice they need, always striving to be open, candid and impartial.

### **2. Respect for People**

*Public servants shall respect human dignity and the value of every person by:*

- 2.1 Treating every person with respect and fairness.
- 2.2 Valuing diversity and the benefit of combining the unique qualities and strengths inherent in a diverse workforce.
- 2.3 Helping to create and maintain safe and healthy workplaces that are free from harassment and discrimination.
- 2.4 Working together in a spirit of openness, honesty and transparency that encourages engagement, collaboration and respectful communication.

### **3. Integrity**

*Public servants shall serve the public interest by:*

- 3.1 Acting at all times with integrity and in a manner that will bear the closest public scrutiny, an obligation that may not be fully satisfied by simply acting within the law.
- 3.2 Never using their official roles to inappropriately obtain an advantage for themselves or to advantage or disadvantage others.
- 3.3 Taking all possible steps to prevent and resolve any real, apparent or potential conflicts of interest between their official responsibilities and their private affairs in favour of the public interest.
- 3.4 Acting in such a way as to maintain their employer's trust.

### **4. Stewardship**

*Public servants shall use resources responsibly by:*

- 4.1 Effectively and efficiently using the public money, property and resources managed by them.
- 4.2 Considering the present and long-term effects that their actions have on people and the environment.
- 4.3 Acquiring, preserving and sharing knowledge and information as appropriate.

### **5. Excellence**

*Public servants shall demonstrate professional excellence by:*

- 5.1 Providing fair, timely, efficient and effective services that respect Canada's official languages.
- 5.2 Continually improving the quality of policies, programs and services they provide.
- 5.3 Fostering a work environment that promotes teamwork, learning and innovation.

## **Application**

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Acceptance of these values and adherence to the expected behaviours is a condition of employment for every public servant in the federal public sector, regardless of their level or position. A breach of these values or behaviours may result in disciplinary measures being taken, up to and including termination of employment.

Further to the definition in the PSDPA, the term “public servant” includes every person employed at AAFC, and the Deputy Minister. This includes indeterminate and term employees, individuals on any form of leave, leave without pay, students participating in Student Employment Programs, casual, seasonal and part-time workers.

Although they are not public servants, individuals on incoming Interchange Canada assignments are expected to comply with, and volunteers are expected to respect, the requirements of this Code, which includes those of the *Values and Ethics Code for the Public Sector* and Appendix B of the *Policy on Conflict of Interest and Post-Employment*.

This *Values and Ethics Code for Agriculture and Agri-Food Canada* came into force on April 2, 2012.

## **Avenues for Resolution**

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The expected behaviours are not intended to respond to every possible ethical issue that might arise in the course of a public servant’s daily work. When ethical issues arise, public servants are encouraged to discuss and resolve these matters with their immediate supervisor. They can also seek advice and support from other appropriate sources within their organization.

Public servants at all levels are expected to resolve issues in a fair and respectful manner and consider informal processes such as dialogue or mediation. At AAFC, the Integrated Resolution Services group provides public servants at AAFC with options to help prevent, manage, and resolve workplace conflict.

As provided by sections 12 and 13 of the PSDPA, if public servants have information that could indicate a serious breach of this Code, they can bring the matter, in confidence and without fear of reprisal, to the attention of their immediate supervisor, the senior officer for disclosure at AAFC, or the Public Sector Integrity Commissioner.

The senior officer for disclosure is responsible for supporting the Deputy Minister in meeting the requirements of the PSDPA. He or she helps promote a positive environment for disclosing wrongdoing, and deals with disclosures of wrongdoing made by employees of the organization. Further information on the duties and powers of the senior officer for disclosure can be found below.

Members of the public who have reason to believe that a public servant has not acted in accordance with this Code can bring the matter to the senior officer for disclosure, the Deputy Minister, or to the Public Sector Integrity Commissioner to disclose a serious breach of this Code.

## **Duties and Obligations**

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### **Public Servants at AAFC**

Public servants at AAFC are expected to abide by this Code and demonstrate the values of the public sector in their actions and behaviour. If a public servant does not abide by these values and expectations, he or she may be subject to administrative or disciplinary measures up to and including termination of employment.

Public servants who are also managers are in a position of influence and authority that gives them a particular responsibility to exemplify the values of the public sector.

As provided by sections 12 and 13 of the PSDPA, if public servants have information that could indicate a serious breach of this Code they can bring this matter, in confidence and without fear of reprisal, to the attention of their immediate supervisor, the senior officer for disclosure or the Public Sector Integrity Commissioner.

### **Deputy Minister of AAFC**

The Deputy Minister has specific responsibilities under the PSDPA, including establishing a code of conduct for AAFC and an overall responsibility for fostering a positive culture of values and ethics in our organization. The Deputy Minister must ensure that employees are aware of their obligations under this Code and that employees can obtain appropriate advice within their organization on ethical issues, including possible conflicts of interest.

The Deputy Minister must also ensure that this Code and the internal disclosure procedures under the PSDPA are implemented effectively at AAFC, and are regularly monitored and evaluated.

The Deputy Minister is responsible for ensuring the non-partisan provision of programs and services by AAFC.

The Deputy Minister is subject to this Code and to the *Conflict of Interest Act*.

### **Senior Officer for Disclosure**

The senior officer for disclosure helps promote a positive environment for disclosing wrongdoing and deals with disclosures of wrongdoing made by public servants at AAFC. The senior officer is responsible for supporting the Deputy Minister in meeting the requirements of the PSDPA.

The senior officer's duties and powers at AAFC also include the following, in accordance with the internal disclosure procedures established under the PSDPA:

1. Provide information, advice, and guidance to public servants at AAFC regarding AAFC's internal disclosure procedures, including the making of disclosures, the conduct of investigations into disclosures, and the handling of disclosures made to supervisors.
2. Receive and record disclosures and review them to establish whether there are sufficient grounds for further action under the PSDPA.
3. Manage investigations into disclosures, including determining whether to deal with a disclosure under the PSDPA, initiate an investigation or cease an investigation.
4. Coordinate handling of a disclosure with the senior officer of another federal public sector organization, if a disclosure or an investigation into a disclosure involves that other organization.
5. Notify the person(s) who made a disclosure in writing of the outcome of any review and/or investigation into the disclosure, and on the status of actions taken on the disclosure, as appropriate.
6. Report the findings of investigations, as well as any systemic problems that may give rise to wrongdoing, directly to his or her Deputy Minister with recommendations for corrective action, if any.

## **Treasury Board of Canada Secretariat – Office of the Chief Human Resources Officer**

In support of the Treasury Board President's responsibilities under section 4 of the PSDPA, the Office of the Chief Human Resources Officer (OCHRO) is responsible for promoting ethical practices in the public sector. The OCHRO will work with all relevant partner organizations to implement and promote this Code, and will provide advice to chief executives and designated departmental officials with respect to its interpretation.

The Chief Human Resources Officer may issue directives, standards and guidelines related to this Code.

OCHRO will monitor the implementation of the *Values and Ethics Code for the Public Sector*, as expressed in this Code at AAFC, with a view to assessing whether the stated objectives have been achieved.

## **Public Service Commission**

The Public Service Commission is responsible for conducting staffing investigations and audits to safeguard the integrity of the public service staffing system and administering certain provisions related to political activities to maintain the non-partisanship of the public service in accordance with the *Public Service Employment Act*.

## PART II: CONFLICT OF INTEREST AND POST-EMPLOYMENT

### Requirements for public servants to prevent and deal with conflict of interest and post-employment situations

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The following are the conflict of interest and post-employment requirements that are a condition of employment for public servants at AAFC, which include the requirements contained in the Treasury Board *Policy on Conflict of Interest and Post-Employment*. These requirements are grounded in and serve to uphold the values described in the *Values and Ethics Code for the Public Sector*, which are expressed in Part I of this Code. By upholding these ethical standards, public servants conserve and enhance public confidence in the honesty, fairness and integrity of the public service. These requirements also form part of Canada's commitments as a signatory to international agreements on values and ethics.

### Definitions

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**Conflict of Interest:** a situation in which a public servant<sup>3</sup> has private interests that could improperly influence the performance of his or her official duties and responsibilities or in which a public servant uses his or her office for personal gain. A real conflict of interest exists at the present time, an apparent conflict of interest could be perceived by a reasonable observer to exist, whether or not it is the case, and a potential conflict of interest could reasonably be foreseen to exist in the future.

**Conflict of duties:** a conflict that arises, not because of a public servant's private interests, but as a result of one or more concurrent or competing official responsibilities. For example, these roles could include his or her primary public service employment and his or her responsibilities in an outside role that forms part of his or her official duties, such as an appointment to a board of directors, or other outside function.

**Third party:** an individual, group, or organization external to the Government of Canada, such as a private individual, a business, a society, an association, or a university.

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<sup>3</sup> Order-in-council appointees, such as the Deputy Minister and Associate Deputy Minister, are subject to the *Conflict of Interest Act*, and are not subject to Part II of this Code.

## **Prevention of conflict of interest**

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Public servants at AAFC maintain public confidence in the objectivity of the public service by preventing and avoiding situations that could give the appearance of a conflict of interest, result in a potential for a conflict of interest, or result in an actual conflict of interest. Conflict of interest does not relate exclusively to matters concerning financial transactions and the transfer of economic benefit. While financial activity is important, conflicts of interest in any area of activity can have a negative impact on the perceived objectivity of the public service. With the permanent and pervasive nature of information technology, public servants should be particularly sensitive to real, apparent or potential conflicts of interest that may arise from messages and information transmitted via the Internet and other media.

It is impossible to foresee every situation that could give rise to a real, apparent or potential conflict of interest. When in doubt, public servants at AAFC should refer to the requirements found in this Code to guide appropriate action. Public servants at AAFC can also seek guidance from their manager, from the Deputy Minister or his or her delegate, or from the Values and Ethics Policy Centre (VEPC) in the Human Resources Branch.

In addition to the requirements outlined in this Part, public servants are also required to observe any specific conduct requirements contained in the statutes governing AAFC and their profession, where applicable.

## **General responsibilities and duties of public servants**

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A public servant's general responsibilities and duties include:

- a) Taking all possible steps to recognize, prevent, report, and resolve any real, apparent or potential conflicts of interest between their official responsibilities and any of their private affairs;
- b) Unless otherwise permitted by this Code, refraining from having private interests, which would be unduly affected by government actions in which they participate, or of which they have knowledge or information;
- c) Not knowingly taking advantage of, or benefiting from, information that is obtained in the course of their duties that is not available to the public;



- d) Refraining from the direct or indirect use of, or allowing the direct or indirect use of government property of any kind, including property leased to the government, for anything other than officially approved activities;
- e) Not assisting private entities or persons in their dealings with the government where this would result in preferential treatment of the entities or persons;
- f) Not interfering in the dealings of private entities or persons with the government in order to inappropriately influence the outcome;
- g) Maintaining the impartiality of the public service and not engaging in any outside or political activities that impair or could be seen to impair their ability to perform their duties in an objective or impartial manner;
- h) Ensuring that any real, apparent or potential conflict that arises between their private activities and their official responsibilities as a public servant is resolved in the public interest;
- i) Following procedures specified in this Code for assessing specific kinds of situations; and
- j) Ensuring that concurrent outside appointments that are part of a public servant's official duties, such as to a board of directors, are managed appropriately and that any resulting conflicts of duties are resolved in the public interest.

### **Requirements for preventing and dealing with situations of conflict of interest during employment**

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Public servants at AAFC are required to report in writing to the Deputy Minister or his or her delegate all outside activities, assets and interests that might give rise to a real, apparent or potential conflict of interest in relation to their official duties. Such a report is to be made within 60 days of their initial appointment or any subsequent appointment, transfer or deployment. Reports should be made using the AAFC Conflict of Interest Disclosure Form, and submitted to the VEPC in the Human Resources Branch.

On a regular basis thereafter, and every time a major change occurs in their personal affairs or official duties, every public servant is required to review his

or her obligations under this Code, which includes the obligations of the *Values and Ethics Code for the Public Sector* and the *Treasury Board Policy on Conflict of Interest and Post-Employment*. If a real, apparent or potential conflict of interest exists, he or she is to file a report in a timely manner.

In addition, AAFC may require public servants working in areas or with responsibilities identified to have a high risk of conflict of interest to attest regularly that they understand their obligations under this Code and indicate whether or not they need to submit a new or revised report.

When negotiating financial arrangements with outside parties, public servants are to comply with the requirements listed in this Code as well as other related directives or policies issued by the Treasury Board. When in doubt, public servants are to immediately report the situation to their managers in order to seek advice or direction on how to proceed.

## **Assets**

Public servants are required to evaluate their assets, taking into consideration the nature of their official duties and the characteristics of their assets. If there is any real, apparent or potential conflict of interest between the carrying out of their official duties and their assets, they are to report this matter to the Deputy Minister or his or her delegate in a timely manner, using the Conflict of Interest Disclosure Form submitted to the VEPC in the Human Resources Branch.

Where the Deputy Minister or his or her delegate determines that any of these assets results in a real, apparent or potential conflict of interest in relation to their official duties, public servants may be required to divest those assets, or to take other measures to resolve the conflict. Public servants may not sell or transfer assets to family members or anyone else for the purpose of circumventing the compliance requirements.

The types of assets that should be reported and the procedures for reporting and managing such assets are set out in the *Directive on Reporting and Managing Financial Conflicts of Interest*.

### ***AAFC-related assets***

If a public servant at AAFC or his or her immediate family members (including immediate family of the public servant's spouse) owns land used or rented for

farming, invests in businesses related to agriculture or agri-food, or is considering such ownership or investments, those assets must be disclosed using the Conflict of Interest Disclosure Form.

### **Outside employment or activities**

Public servants may engage in employment outside the public service and take part in outside activities unless the employment or activities are likely to give rise to a real, apparent or potential conflict of interest or would undermine the impartiality of the public service or the objectivity of the public servant.

Public servants at AAFC are required to provide a report to the Deputy Minister or his or her delegate when their outside employment or activities might subject them to demands incompatible with their official duties, or cast doubt on their ability to perform their duties or responsibilities in a completely objective manner. The Deputy Minister or his or her delegate may require that the outside activities be modified or terminated if it is determined that a real, apparent or potential conflict of interest exists.

Public servants who receive a benefit or income either directly or indirectly from a contract with the Government of Canada are required to report to the Deputy Minister or his or her delegate on such contractual or other arrangements. The Deputy Minister or his or her delegate will determine whether the arrangement presents a real, apparent or potential conflict of interest, and may require that the contract be modified or terminated.

### ***AAFC-related outside employment or activities***

If a public servant at AAFC participates in, or is considering participation in, any of the following activities, those activities must be disclosed using the Conflict of Interest Disclosure Form:

- carrying out farming activities as a hobby or for commercial farming purposes, including activities of the public servant or his or her immediate family members (including immediate family of the public servant's spouse); or
- applying for or receiving benefits under any grant, contribution, income assistance program, or any other program administered by AAFC, whether as an individual or as part of an organization that applies for or receives benefits.

At no time should a public servant at AAFC assist the public on a fee-for-service basis in completing application forms for funding from a program administered by AAFC.

If a public servant at AAFC is a member of a board of directors of a corporation, society, organization or external entity as an outside activity, and the board activities relate to the public servant's official duties, AAFC activities, or has dealings with AAFC, such activities must be disclosed and assessed further to the AAFC *Directive for Assessing Employee Memberships on External Boards of Directors*.

### **Political Activities**

Any public servant considering involvement in political activity should seek the advice of their manager, a designated departmental official, the Public Service Commission (PSC) or a human resources advisor before acting.

Public servants are required to seek and obtain permission from the PSC to seek nomination for or be a candidate in a federal, provincial, territorial or municipal election, in accordance with Part 7 of the *Public Service Employment Act* (PSEA).

“Political activities” are defined in Part 7 of the PSEA as “any activity in support of, within or in opposition to a political party; carrying on any activity in support of or in opposition to a candidate before or during an election period; or, seeking nomination as or being a candidate in an election before or during the election period.”

Any public servant who wishes to engage in a political activity not covered by Part 7 of the PSEA that could constitute a conflict of interest is required to report the proposed activity to the Deputy Minister or his or her delegate.

Similarly, any public servant who is subject to this Code but who is not subject to Part 7 of the PSEA, including casual and part-time workers, who wishes to engage in any political activity that could constitute a conflict of interest, is to report the proposed activity to the Deputy Minister or his or her delegate.

### **Gifts, hospitality and other benefits**

Public servants are expected to use their best judgment to avoid situations of real, apparent or potential conflict of interest by considering the following criteria on gifts, hospitality and other benefits and in keeping with this Code, which includes the obligations of the *Values and Ethics Code for the Public Sector* and the Treasury Board *Policy on Conflict of Interest and Post-Employment*.

Public servants are not to accept any gifts, hospitality or other benefits that may have a real, apparent or potential influence on their objectivity in carrying out their official duties and responsibilities or that may place them under obligation to the donor. This includes activities such as free or discounted admission to sporting and cultural events, travel or conferences.

The acceptance of gifts, hospitality and other benefits is permissible if they are infrequent and of minimal value, within the normal standards of courtesy or protocol, arise out of activities or events related to the official duties of the public servant concerned, and do not compromise or appear to compromise the integrity of the public servant concerned or of AAFC.

Public servants are to seek written direction from the Deputy Minister or his or her delegate where it is impossible to decline gifts, hospitality or other benefits that do not meet the principles set out above, or where it is believed that there is sufficient benefit to AAFC to warrant acceptance of certain types of hospitality. The Conflict of Interest Disclosure Form may be used for this purpose.

### **Offers of funded travel from a third party**

Public servants at AAFC could possibly collaborate with various stakeholders while carrying out AAFC's mandate, and may receive offers from stakeholders to pay costs related to travel by public servants at AAFC. Accepting such an offer could compromise the impartiality and objectivity of the public service, or create a perception of preferential treatment towards the donor in future decisions.

If a third party offers to pay or reimburse the costs related to travel by a public servant at AAFC, the public servant may accept the offer, unless the offer poses a significant risk of real, apparent, or potential conflict of interest, and unless the acceptance of the offer would contravene any other legal, financial, or policy requirements.

Public servants at AAFC must not accept any offer of funded travel from a third party if:

- the offer is not in the interest of AAFC or the Government of Canada;
- the offer of funded travel was solicited;
- the offer was made to a public servant in an executive (EX) position, or an equivalent position that has delegated financial authority;

- the third party is a current supplier to AAFC, other than a supplier of scientific publications in the field of agriculture or agri-food, or one with a formal agreement with AAFC with an explicit provision for funded travel;
- the third party actively lobbies AAFC; or
- the third party receives grants or contributions<sup>4</sup> from AAFC, unless there is a cost-sharing agreement that exists between AAFC and the organization.

In other situations, public servants at AAFC who receive offers of funded travel must follow the AAFC *Directive for Assessing Offers of Travel Funded by a Third Party* to determine whether or not the offer may be accepted.

### **Solicitation**

Public servants at AAFC may not solicit or accept gifts, hospitality, other benefits or transfers of economic value from a person, group or organization in the private sector who has dealings with the government, or with AAFC, including as part of departmental fundraising activities or events.

Similarly, if an outside individual or entity, with whom AAFC has past, present or potential official dealings, offers a benefit to AAFC such as funding for an event or a donation of equipment, public servants at AAFC are to consider whether any real, apparent or potential conflict of interest exists, and obtain the consent in writing of the Deputy Minister or his or her delegate prior to accepting any such benefit.

The Deputy Minister or his or her delegate may require that the activities be modified or terminated where it is determined that there is a real, potential or apparent conflict of interest or an obligation to the donor. These provisions are designed to ensure that this Code is consistent with paragraph 121(1) (c) of the *Criminal Code*.

### **Avoidance of preferential treatment**

Public servants are responsible for demonstrating objectivity and impartiality in the exercise of their duties and in their decision-making, whether related to staffing, financial awards or penalties to external parties, transfer payments, program operations or any other exercise of responsibility.

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<sup>4</sup> 'Grant' and 'contribution' here have the same meaning as in the Treasury Board *Policy on Transfer Payments*.

This means that they are prohibited from granting preferential treatment or advantages to family, friends or any other person or entity. They are not to offer extraordinary assistance to any entity or persons already dealing with the government without the knowledge and support of their supervisor. They also are not to disadvantage any entity or persons dealing with the government because of personal antagonism or bias.

Providing information that is publicly accessible is not considered preferential treatment.

### **Boards of directors**

Public servants at AAFC may be expected to serve on or be a member of a board of directors of an organization, society, or association external to the Government of Canada in relation to their official duties, which can involve significant risks of real, apparent or potential conflict of interest or conflict of duties.

This means that all public servants at AAFC who currently serve on or are thinking of joining a board of directors or other executive body of an external organization in relation to their official duties must assess their participation further to the AAFC *Directive for Assessing Employee Memberships on External Boards of Directors*.

Public servants at AAFC who serve on boards of directors are required to continue to respect the provisions of this Code, including that they must:

- refrain from lobbying the Government of Canada;
- refrain from representing the organization in dealings with the Government of Canada; and
- refrain from providing assistance to the organization in their obtaining funds from the Government of Canada, where this could be perceived as preferential treatment.

Any conflicts of interest or conflicts of duties inherent in the participation on the board of directors must be resolved in the public interest.

### **Canadian Pari-Mutuel Agency**

The Canadian Pari-Mutuel Agency (CPMA) is a Special Operating Agency within AAFC that regulates and supervises pari-mutuel betting on horse racing at racetracks across Canada. Further to this mandate, and in addition to the

requirements of this Code, public servants at the CPMA are prohibited from:

- placing wagers at the racetracks or any theatre betting establishment while on duty, including any breaks;
- cashing cheques at the racetrack institutions; and
- having any financial interests in the racetrack facilities including owning/co-owning horses who race in any racetrack institution.

## **Requirements for preventing post-employment conflict of interest situations before and after leaving office**

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All public servants have a responsibility to minimize the possibility of real, apparent or potential conflict of interest between their most recent responsibilities within the federal public service and their subsequent employment outside the public service.

### **Before leaving employment**

Before leaving their employment with the public service, all public servants are to disclose their intentions regarding any future outside employment or activities that may pose a risk of real, apparent or potential conflict of interest with their current responsibilities and discuss potential conflicts with their manager, the Deputy Minister, the Deputy Minister's delegate, or the VEPC.

### **Post-employment limitation period for public servants in designated positions**

Certain positions at AAFC involve official duties that raise post-employment concerns. These positions include all those classified as executive (EX) positions, those classified as EX minus 1, EX minus 2, and their equivalents. AAFC may designate certain other positions as ones that raise post-employment concerns, based on an assessment of the conflict of interest or post-employment risks inherent in the official duties of the positions.

Public servants at AAFC in these designated positions are subject to a one-year limitation period after leaving office. Before leaving office and during this one-year limitation period, these public servants are to report to the Deputy Minister or his or her delegate all firm offers of employment or proposed activity outside the public service that could place them in a real, apparent or potential conflict of interest



with their public service employment. They are also to disclose immediately the acceptance of any such offer. The Conflict of Interest Disclosure Form may be used for this purpose.

In addition, these public servants may not, during this one-year period, without the authorization of the Deputy Minister or his or her delegate:

- a) accept appointment to a board of directors of, or employment with, private entities with which they had significant official dealings during the period of one year immediately prior to the termination of their service. The official dealings in question may either be directly on the part of the public servant or through their subordinates;
- b) make representations to any government organization on behalf of persons or entities outside of the public service with which they had significant official dealings, during the period of one year immediately prior to the termination of their service.<sup>5</sup> The official dealings in question may either be directly on the part of the public servant or through their subordinates; or
- c) give advice to their clients or employer using information that is not publicly available concerning the programs or policies of the departments or organizations with which they were employed or with which they had a direct and substantial relationship.

### **Waiver or reduction of limitation period**

A public servant or former public servant may apply to the Deputy Minister or his or her delegate for a written waiver or reduction of the limitation period. The public servant is to provide sufficient information to assist in making a determination as to whether to grant the waiver taking into consideration the following criteria:

- a) the circumstances under which the termination of their service occurred;
- b) the general employment prospects of the public servant or former public servant;

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<sup>5</sup> Assistant Deputy Ministers and their equivalents, including the Deputy Minister and Associate Deputy Minister, are subject to the *Lobbying Act*. In the case of any conflict between this Code and the Act, the Act takes precedence.

- c) the significance to the government of information possessed by the public servant or former public servant by virtue of that individual's position in the public service;
- d) the desirability of a rapid transfer of the public servant's or former public servant's knowledge and skills from the government to private, other governmental or non-governmental sectors;
- e) the degree to which the new employer might gain unfair commercial or private advantage by hiring the public servant or former public servant;
- f) the authority and influence possessed by that individual while in the public service; and/or
- g) any other consideration at the discretion of the Deputy Minister or his or her delegate.

## **Resolution**

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With respect to the arrangements necessary to prevent real, apparent or potential conflict of interest, or to comply with the requirements set out above, it is expected that situations will be resolved through discussion and agreement between the public servant and the Deputy Minister or his or her delegate. When a public servant and the Deputy Minister or his or her delegate disagrees on the appropriate arrangements to resolve a real, apparent or potential conflict of interest, the disagreement will be resolved through the established grievance procedures.

## **Consequences**

A public servant who does not comply with the requirements set out in this Code may be subject to disciplinary measures, up to and including termination of employment.

## **PART III: ADDITIONAL GUIDANCE**

### **Contacts**

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Public servants at AAFC who wish to discuss any part of this Code are encouraged to do so with their immediate supervisor.

For additional guidance in relation to this Code, please contact the VEPC, at 866-894-5464 or [ValuesandEthics@agr.gc.ca](mailto:ValuesandEthics@agr.gc.ca).

If you are aware of a possible breach of this Code, you may contact your immediate supervisor, the AAFC senior officer for disclosure, at 613-773-1466 or [Internaldisclosure.DSS@agr.gc.ca](mailto:Internaldisclosure.DSS@agr.gc.ca), or the Public Sector Integrity Commissioner, at 866-941-6400 or <http://psic.gc.ca/>. Public servants who disclose possible wrongdoing in this manner are protected from reprisal under the *Public Servants Disclosure Protection Act*.

For guidance in situations of workplace conflict, including alternative dispute resolution services, please contact Integrated Resolution Services, at 866-657-1834 or [resolution@agr.gc.ca](mailto:resolution@agr.gc.ca).

### **References**

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#### **Treasury Board of Canada Secretariat:**

- *Values and Ethics Code for the Public Sector*
- *Policy on Conflict of Interest and Post-Employment*
- *Policy on the Prevention and Resolution of Harassment in the Workplace*
- *Directive on Reporting and Managing Financial Conflicts of Interest (yet to be published)*

#### **Department of Justice:**

- *Public Servants Disclosure Protection Act*

**Agriculture and Agri-Food Canada:**

- *Directive for Assessing Employee Memberships on External Boards of Directors*
- *Directive for Assessing Offers of Travel Funded by a Third Party*
- *Conflict of Interest Disclosure Form*
- *Social Media Usage Directive*
- *Network Usage Directive*
- *Workplace Relations Directorate*
- *Values and Ethics Policy Centre*
- *Integrated Resolution Services*
- *Office for Internal Disclosure*



